

AU/PROFESSIONAL STUDIES PAPER/AWC/2003

AIR WAR COLLEGE

AIR UNIVERSITY

**BUILDING THE RULE OF LAW:  
U.S. ASSISTANCE PROGRAMS AND  
POLICE/MILITARY RELATIONS IN LATIN AMERICA**

By

Joel F. Cassman, FS-01  
U.S. Department of State

A Research Report Submitted to the Faculty

In Partial Fulfillment of the Graduation Requirements

Advisor: Dr. Judith Gentleman, PhD

Maxwell Air Force Base, Alabama

February 2003

| Report Documentation Page  |                                    |                                     |  | Form Approved<br>OMB No. 0704-0188          |                                    |
|--|------------------------------------|-------------------------------------|--|---|------------------------------------|
| Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. |                                    |                                     |  |   |                                    |
| 1. REPORT DATE<br><b>FEB 2003</b>  |                                    | 2. REPORT TYPE<br><b>N/A</b>        |  | 3. DATES COVERED<br><b>-</b>                |                                    |
| 4. TITLE AND SUBTITLE<br><b>Biulding the Rule of Law: U.S. Assistance Programs and Police/Military Relations in Latin America</b>  |                                    |                                     |  | 5a. CONTRACT NUMBER                         |                                    |
|  |                                    |                                     |  | 5b. GRANT NUMBER                            |                                    |
|  |                                    |                                     |  | 5c. PROGRAM ELEMENT NUMBER                  |                                    |
| 6. AUTHOR(S)   |                                    |                                     |  | 5d. PROJECT NUMBER                          |                                    |
|  |                                    |                                     |  | 5e. TASK NUMBER                             |                                    |
|  |                                    |                                     |  | 5f. WORK UNIT NUMBER                        |                                    |
| 7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)<br><b>Air University Press Maxwell AFB, AL 36112-6615</b>   |                                    |                                     |  | 8. PERFORMING ORGANIZATION<br>REPORT NUMBER |                                    |
| 9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)  |                                    |                                     |  | 10. SPONSOR/MONITOR'S ACRONYM(S)            |                                    |
|  |                                    |                                     |  | 11. SPONSOR/MONITOR'S REPORT<br>NUMBER(S)   |                                    |
| 12. DISTRIBUTION/AVAILABILITY STATEMENT<br><b>Approved for public release, distribution unlimited</b>  |                                    |                                     |  |   |                                    |
| 13. SUPPLEMENTARY NOTES  |                                    |                                     |  |   |                                    |
| 14. ABSTRACT   |                                    |                                     |  |   |                                    |
| 15. SUBJECT TERMS  |                                    |                                     |  |   |                                    |
| 16. SECURITY CLASSIFICATION OF:  |                                    |                                     | 17. LIMITATION OF<br>ABSTRACT<br><b>UU</b> | 18. NUMBER<br>OF PAGES<br><b>57</b>         | 19a. NAME OF<br>RESPONSIBLE PERSON |
| a. REPORT<br><b>unclassified</b>   | b. ABSTRACT<br><b>unclassified</b> | c. THIS PAGE<br><b>unclassified</b> |  |   |                                    |

## **Disclaimer**

The views expressed in this academic research paper are those of the author and do not reflect the official policy or position of the U.S. Government, the Department of State or the Department of Defense. In accordance with Air Force Instruction 51-303, it is not copyrighted, but is the property of the United States Government.

### ***Author's Biography***

Joel F. Cassman, FS-01, is a career U.S. Foreign Service Officer with 22 years experience overseas in Latin America and in the Departments of State and Defense. Prior to entering the Foreign Service, Mr. Cassman worked in the private sector in journalism, finance and marketing. He began his government career in 1975 as the Assistant to the Chief Economist of the U.S. Commodity Futures Trading Commission. He later worked as a research economist at the University of California, Davis. He earned a B.A. (cum laude) degree in economics and computer science from Georgetown University in 1977, and M.A. and M.S. degrees in economics and agricultural economics from the University of California, Davis.

Mr. Cassman entered the Foreign Service in 1981. His first assignment was Vice-Consul at the U.S. Consulates in Tijuana and Mazatlan, Mexico. He then was assigned to the Bureau of Economic Affairs at the U.S. Department of State, followed by an assignment as Science and Regional Resources Officer at the U.S. Embassy in Santiago, Chile, where he negotiated the Mataverí Airport Agreement and other international agreements for NASA. He then served as an economic officer in the U.S. Embassy in Tegucigalpa, Honduras and was assigned as Chief of the Economic Section at the U.S. Embassy in Managua, Nicaragua during a time of great tension with the Sandinista government. Mr. Cassman was then assigned as Country Desk officer in the State Department for Chile during its transition from a military to civilian government. In 1990, Mr. Cassman was selected to be the Economic Counselor at the U.S. Embassy in Bogotá, Colombia, followed by assignment as the Director of the Narcotics Affairs Section at the U.S.

Embassy in Caracas, Venezuela. In that position, Mr. Cassman initiated and managed the first-ever aerial eradication program against illicit drug crops in Venezuela along the Sierra de Perija border region with Colombia.

In 1997, Mr. Cassman was selected to serve on the faculty of the US Air Force Academy and taught in the Political Science, Law and Economics Departments. He was then assigned to the U.S. Embassy in Quito, Ecuador as the Director of the Narcotics Affairs Section. He returned to the U.S. in 2001 and was appointed as the first-ever Director of Advanced Studies and State Department Chair at the Department of Defense, Western Hemisphere Institute for Security Cooperation.

Mr. Cassman has won three Meritorious Honor Awards and one Superior Honor Award from the U.S. Department of State. In addition, he has been awarded special commendations from NASA, the U.S. Customs Service, the Drug Enforcement Administration, the Venezuelan National Drug Commission, the Venezuelan Judicial Police, the National Police of Ecuador and the Presidency of Ecuador for his achievements in promoting international cooperation in science and technology and in combating international drug trafficking.

## *Contents*

|   | <i>Page</i> |
|---|-------------|
| DISCLAIMER .....  | ii          |
| AUTHOR’S BIOGRAPHY .....  | iii         |
| LIST OF TABLES .....  | iv          |
| ABSTRACT .....  | v           |
| INTRODUCTION .....  | 1           |
| MILITARY AND POLICE ROLES IN LATIN AMERICA .....                                | 4           |
| Latin America: Primary Problem of Public Order.....                             | 5           |
| Constitutional Provisions.....  | 6           |
| States of Exception .....   | 7           |
| The Return to Democracy and the Latin American Military.....                    | 7           |
| Defining the Military Role in Counternarcotics Activities .....                 | 8           |
| Narcotics Law Enforcement: Military or Police Jurisdiction? .....               | 11          |
| THE POLICE AND THE RULE OF LAW IN LATIN AMERICA .....                           | 13          |
| Corruption.....   | 15          |
| Development of Police Agencies .....  | 15          |
| Political Control of Police Forces.....   | 17          |
| Conflict Built into the System: The Inquisitorial Justice System.....           | 18          |
| Criminal Justice Reform in the Andes.....                                       | 20          |
| TURF BATTLES AND INTERAGENCY RIVALRY .....                                      | 25          |
| Historical Antagonisms: “Golpe de Estado” versus Defending the Government ..... | 25          |
| Political Connections of the Police.....  | 26          |
| Sociological Factors .....  | 27          |
| Budget Battles.....   | 29          |
| Interagency Coordination .....  | 30          |
| U.S. ASSISTANCE PROGRAMS FOR LATIN AMERICAN POLICE .....                        | 33          |
| Shift from Militarized to Investigative Police .....                            | 33          |
| Administration of Justice Programs .....  | 35          |
| U.S. Security Assistance to Military and Police.....                            | 36          |
| Impact of U.S. Assistance Programs on Police/Military Relations .....           | 38          |

|  |    |
|--|----|
| A THEORETICAL MODEL OF POLICE-MILITARY RELATIONS.....      | 41 |
| POLICY IMPLICATIONS AND CONCLUSION .....                   | 46 |
| Implications for U.S. Assistance to Military Services..... | 46 |
| Implications for Assistance to the Police .....            | 48 |
| Conclusion .....   | 49 |
| BIBLIOGRAPHY .....   | 50 |

## *List of Tables*

|   | <i>Page</i> |
|---|-------------|
| Table 1 National Police Agencies in Andean Countries of Latin America ..... | 17          |
| Table 2 Plan Colombia Allocations .....                                     | 38          |
| Table 3 A Model of Police-Military Relations in Latin America .....         | 43          |

## *Abstract*

U.S. policy makers and academic researchers have neglected the deep institutional rivalries between police agencies and military services in Latin America. The problems of police/military coordination have complicated U.S. national goals of democratization, strengthening the rule of law, and combating the production and trafficking of illicit drugs in the region. Police agencies stand at the epicenter of dysfunctional criminal justice systems. Although the U.S. policy of engagement with Latin American military services is intended to reorient their roles and missions towards supporting democratically elected civilian governments, U.S. counternarcotics assistance programs have encouraged a wider Latin American military role in drug interdiction. This paper identifies the dimensions of police-military conflict in the context of the fundamental reform of criminal justice systems in Latin America.

## Introduction

*“La justicia es la reina de las virtudes republicanas, y con ella se sostienen la igualdad y la libertad que son las columnas de este edificio.” Simon Bolivar, al Presidente de la Union, January 13, 1815*

U.S. policy in Latin America since the Kennedy Administration’s Alliance for Progress has sought to encourage democratization and civilian control over the military. In the past forty years, Latin America has moved from a region ruled primarily by military dictatorships in the 1960’s to one today with civilian, democratically elected governments in virtually the entire hemisphere. The region has made significant progress in the economic sphere as well; abandoning the protectionist, state-directed model of economic development in favor of open economies and private sector-led growth. Despite the region’s remarkable political and economic turnaround, our neighbors in the hemisphere continue to face serious problems due to dysfunctional judicial sectors. Soaring crime rates, personal insecurity, overcrowded and violent prisons, impunity for human rights violators and the inability to prosecute wealthy white collar criminals have led many Latin Americans to question the ability of democratic, civilian governments to provide justice. Many persons look back to the authoritarian military regimes of the past as the solution to these problems.<sup>1</sup>

This paper will analyze the efforts that Latin American countries are making to fundamentally reform their criminal justice systems, focusing primarily upon the changing role of police agencies and their complex relationships with the dominant providers of law and order in the region: the military. The profound changes in the criminal procedural codes will alter the traditional power and governance structures in Latin America that have used the police as a

means to maintain social control, rather than as professional law enforcement agencies supporting a criminal justice system based upon the rule of law.

In Latin America, police and military roles frequently overlap, particularly in the areas of counternarcotics and counterinsurgency. These overlaps have historically created frictions and interagency rivalries that often frustrate national goals of maintaining public order. Wide differences in corporate culture divide police and military services, hampering joint cooperation and even leading to direct conflict. Despite the obvious importance of police-military relations in Latin America, there has been surprisingly a lack of serious academic attention to this subject.<sup>2</sup> This study is an attempt to initiate some basic research into the dimensions of police-military relations and how it affects U.S. policy in the region. The purpose is to identify some of the variables that affect the institutional relationships between police agencies and military services, focusing on the five Andean Ridge nations – Venezuela, Colombia, Ecuador, Peru and Bolivia – which have been the primary battleground for the war against cocaine and other illicit drugs. This paper will incorporate these variables into a theoretical model of police-military relations in Latin America.<sup>3</sup>

This paper will conclude with an analysis of the implications of police/military relations in Latin America on U.S. political and counternarcotics goals and objectives. How should the U.S. focus its security and narcotics assistance programs to promote unity of effort and support for the rule of law in the region?<sup>4</sup>

---

<sup>1</sup> Christopher Stone and Heather Ward, “Democratic Policing: A Framework for Action”, *Policing and Society*, Vol. 10, No. 1, (Winter 2000), pp. 11-12.

<sup>2</sup> There have been remarkably few books or analytical studies focusing on the police in Latin America available in English, and almost none on the issue of police-military relations. An excellent recent book which analyzes the role of police agencies within the broader context of the democratic system and the administration of justice in Latin America is Mark Ungar, *Elusive*

---

*Reform: Democracy and the Rule of Law in Latin America* (Boulder CO: Lynne Rienner Publishers, 2002).

<sup>3</sup> The author originally developed the theoretical model of police-military relations while serving as an instructor at the U.S. Air Force Academy. This research was presented in submitted papers and panel discussions at the 1998 Annual Meeting of the International Studies Association and at the 1998 USAFA National Defense Colloquium. The original ideas in the earlier works have been expanded in this paper and include more recent material on the ongoing reform of the administration of justice taking place in the region and its impact on police-military relations.

<sup>4</sup> The author would like to acknowledge his deep gratitude to many colleagues, both North and South Americans, whom he has worked with over the course of his career. As a young Foreign Service officer, the author was profoundly inspired by Ambassador Harry Barnes, former U.S. Ambassador to Chile. Ambassador Barnes' pivotal role in the peaceful and successful transition to democracy in Chile is one of the greatest untold success stories of U.S. diplomacy in the region. The author would also like to recognize the incredibly brave, hard working and inspired pilots and mechanics in the INL Air Wing who are the unsung heroes of the drug war, risking their lives to eradicate coca and opium poppy crops. Finally, the author expresses his friendship with and admiration for the many ordinary Latin Americans who he has known over the course of his career who have survived deep personal deprivations and sacrifices during these years of change and upheaval.

## **Military and Police Roles in Latin America**

The differing cultural heritages of the United States and Latin America have had a fundamental effect on the rule of law and the role of military services and police agencies in society. The United States Constitution expresses the deeply felt concern by the Founding Fathers over the danger of powerful military establishments threatening individual liberties. To institutionalize civilian control over the military, the U.S. Constitution established numerous legal and political safeguards, and divided responsibility between the legislative and executive branches of the federal government. Congress controls the funds to “raise and support Armies” and to “provide and maintain a Navy” and has the power to declare war (Article I, Section 8), while the President is designated as “Commander in Chief” of the armed forces (Article II, Section 2). The U.S. Constitution also establishes a strong, independent judiciary autonomous from political control, with specific protections for individual rights. These institutional controls over the military were reinforced by the Bill of Rights (the first ten amendments to the Constitution), which delineate safeguards against military intervention in government by permitting individual citizens to “keep and bear arms”, permitting states to form “well regulated” militias, assuring that persons accused of crimes had the right to due process of law, and forbidding military expropriation of private property or quartering of soldiers in private homes. Moreover, these constitutional protections have been buttressed over the years by legislation, particularly the “Posse Comitatus Act” of 1878 (Title 18 USC section 1385), which prohibits direct military involvement in domestic law enforcement activities.<sup>1</sup> Title 10, USC Chapter 18, “Military Support for Civilian Law Enforcement Guidelines” provides basic guidance to military personnel supporting police operations and restrictions from directly

participating in arrests, searches, seizures, or other similar domestic law enforcement activity unless specifically authorized by law.<sup>2</sup> Other examples of U.S. law that further constrains military involvement include the “Mansfield Amendment” to the Foreign Assistance Act (22USC 2291 c1), which prohibits U.S. government personnel from performing certain law enforcement activities overseas.<sup>3</sup>

In sum, U.S. constitutional law and legislation clearly define distinct roles for police and military services and firmly establish the fundamental principles of the rule of law and strong, independent judiciaries. U.S. law and legal tradition also delegate responsibility for most areas of criminal law enforcement powers to state and local governments.<sup>4</sup> In exceptional circumstances, U.S. presidents have used federal military forces to enforce desegregation laws or to preserve order during times of natural disasters or national emergencies, but these exceptions are clearly defined in the statutes.

### **Latin America: Primary Problem of Public Order**

Latin American nations have a profoundly different cultural and historical heritage from that of the U.S. As the peoples of Mexico, Central and South America struggled against Spanish and Portuguese imperial rulers to obtain their independence during the first decades of the 19<sup>th</sup> century, the primary difficulty in establishing legitimacy for new national institutions was due to basic problems of governance and public order. The protracted independence struggle of Latin America degenerated into anarchic violence against the population as regional warlords fought over power. Simon Bolivar attempted to unite the peoples of the Andean region of South America into “Gran Colombia” with a strong centralized government. However, soon after the final victories over the Spanish, “Gran Colombia” fractured into what is now Colombia, Panama, Venezuela and Ecuador. Similar problems were faced in Central America and, to some extent, in

the Southern Cone countries of Argentina and Chile. Bolivar's famous lament "to govern the Americas is like plowing the sea" remains a vivid reminder of the frustrations felt by the newly independent nations of Latin America to establish and consolidate their political and social institutions and achieve national unification. Public order became a military mission from the beginning of these societies, with overlapping roles of military services and police.

### **Constitutional Provisions**

Latin American constitutions and the inquisitorial legal system inherited from the Spanish colonial rulers have contributed to the problem of defining what is police and what is military. The constitutions of Latin America countries attempt to limit the power of military services by making them "non-deliberative" (apolitical) and assigning them the primary mission of "defending the national sovereignty, independence, integrity of the national territory and constitutional order".<sup>5</sup> While territorial conflicts continue to fester in the region, relatively few of these disagreements between Latin American countries have led to war.<sup>6</sup> Since 1820, there have been only 11 major armed conflicts in South America, defined as a conflict with more than 1000 deaths.<sup>7</sup> The vast majority of these conflicts occurred during the 19<sup>th</sup> century, during the nation-building phase of Latin American history. Since World War II, there has been only one brief state-to-state war within South America (the Ecuador/Peru Cenepa border dispute in 1995). According to David Mares, although Latin American states have frequently threatened the use of force in territorial disputes, actual armed conflicts have been largely avoided due to mediation by third parties (such as the Holy See's mediation of the Chile/Argentina dispute over the Beagle Channel), as well as the moderating influence of regional multilateral organizations such as the Organization of American States.<sup>8</sup> Democratization and political/economic integration are other factors that account for the relatively peaceful relations among Latin American nations.

Without major external threats from foreign aggression, Latin American militaries have been concerned primarily with maintaining internal political order. Latin America as a region has historically had a high degree of military interventions in government. Since 1967, there have been at least 31 military coups d'état and coup attempts in the region.<sup>9</sup>

### **States of Exception**

The Latin American military have historically intervened in civil society during constitutionally established states of exception. During these states of emergency, legal safeguards, such as due process of law and other protections for citizens can be suspended and the military services assume civil policing functions. The 1991 constitution of Colombia, for example, established three states of exceptions – the state of war, the state of serious internal disturbance, and the state of emergency.<sup>10</sup> States of exception are found in nearly every Latin American constitution and have been applied during periods of civil unrest, insurgency and other types of public disorder. Peru established special military zones in areas threatened by Sendero Luminoso insurgents and suspended normal judicial and policing functions in those regions.<sup>11</sup> Governments in the region have resorted to states of exception as means of social control, including suppression of popular dissent and labor union strikes.

### **The Return to Democracy and the Latin American Military**

As part of the democratization process of the 1970's and 80's, military services in the region began to return policing functions back to the police. The U.S. strongly supported the return to democracy in the region and the election of civilian governments. Military services began an ongoing process of reorienting their basic missions away from intervening in civil society, and granted police agencies increased autonomy.<sup>12</sup> Millett stated that the future

challenge in reforming and modernizing Latin American militaries is to enlist their support for strengthening civilian institutions, including the criminal justice system. He predicted:

“The military’s relation to the administration of justice will be a dominant theme in the coming decade. Part of this will involve ongoing efforts to reduce levels of military immunity and to extend the civilian courts in dealing with matters involving the armed forces. Conflicts in this area will persist well into the next century and will be further complicated by the related problems of using the military in police roles and military control over police forces. Formal links between military and police forces will decline, but the tendency to utilize the military in police roles will continue and, in the short run, may well increase. The police will remain underfunded and poorly prepared to deal with the increasing challenges of domestic and global criminality, urban disorders and environmental destruction.”<sup>13</sup>

### **Defining the Military Role in Counternarcotics Activities**

The overlap of police and military jurisdiction in controlling drug trafficking has been one particularly contentious area of defining the proper role of the military. The assumption by military services of a wider role in counternarcotics efforts continues to be controversial in the region. Critics of U.S. drug control policies and even some senior Latin American military leaders argue that U.S. policy encouraging a wider role for the military in the fight against drug trafficking has resulted in the militarization of the criminal justice system which weakens civilian institutions.<sup>14</sup> Arguments for Latin American military involvement in anti-drug efforts are generally based upon perceptions of the police forces as “weak”, “incompetent” and “corrupt”. Gabriel Marcella wrote:

A new menace threatens the social, moral and political fabrics of the Latin American countries – narcotics. Though not classically within the military’s purview, narcotics suborn officials, institutions and governance. Narcotics trafficking makes a mockery of the principle of sovereignty in international order. It also distorts economies and generates violence that often stretches the thin capabilities of poorly trained and poorly paid police forces, which are too often vulnerable to the corrosive attraction of easy money. The military’s role is to support the police forces within constitutional limits. The police may not be able to do the job against an enemy that can outgun and outmaneuver them.<sup>15</sup>

However, arguments such as Marcella's do not explain why military services are not equally susceptible to drug corruption. Indeed, there are numerous examples of narco-trafficker/paramilitary/military ties in Andean countries, particularly Colombia.<sup>16</sup> Nor do they consider the implications of military assumption of police functions on the democratization process and the rule of law.<sup>17</sup>

Critics of U.S. counternarcotics assistance to military services in Latin America argue that the U.S. has exacerbated the bitter rivalries between the police and military. While the intentions of U.S. policy are to strengthen bilateral military to military relationships while influencing the Latin American armed forces to take on an expanded role in interdicting drug trafficking in support of , rather than in place of, law enforcement agencies, critics argue that the profound cultural and historical differences between the U.S. and Latin America have garbled our message.<sup>18</sup>

In the United States, the evolution of military involvement in the drug war took place over a twenty year period, was encouraged by U.S. law enforcement agencies, and was closely governed by civilian oversight in accord with long-standing legal restrictions (Posse Comitatus). Even in this favorable climate, law enforcement/military coordination in the United States has been a slow but steady process. Intelligence-sharing centers such as the National Drug Intelligence Coordinating Center (NDIC), the El Paso Intelligence Center (EPIC) and the various interagency task forces such as JIATF-East, jointly manned by DEA, U.S. Customs and Coast Guard with military personnel, took years to develop, as did linkage of intelligence services with law enforcement agencies. The strengthening of ONDCP and the annual national drug strategy process has also improved interagency coordination within the U.S.

In Latin America, none of these safeguards or interagency coordination mechanisms apply. Critics of military involvement in drug suppression in Latin America focus on its potentially serious implications for democracy and human rights, the tenuous civilian control over the Armed Forces and the rule of law. The human rights concerns are clear: Violence by paramilitary groups, linked to (or with the acquiescence of) military commanders and targeted against leftist insurgents and their political allies, particularly in Colombia, has taken on new dimensions as the insurgents are relabeled as “narco-guerrillas”. As defined by Max Manwaring, the narco-guerrilla connection is a long-term “marriage of convenience” between insurgent groups and drug traffickers in Latin America.<sup>19</sup> This “business merger” seeks the overthrow or control of existing governments in order to pursue their objectives of wealth accumulation, control over populations and pursuit of social and political legitimacy. To Manwaring, “Narco-insurgency is not simply a criminal enterprise to be controlled by law enforcement agencies. It is a major political-psychological-moral conflict which requires the mobilization of the entire military strength of a nation and its allies to confront.”<sup>20</sup>

The line between counternarcotics and counterinsurgency has become increasingly blurred, making the job of conducting end-use monitoring of U.S. narcotics control assistance programs much more complex.<sup>21</sup> This distinction had been critically important in the past due to U.S. laws restricting assistance to the police and military to counterdrug missions.<sup>22</sup> However, following the terrorist attacks of September 11, 2001, these restrictions against using U.S. security and narcotics assistance against Colombian insurgents (FARC and ELN) have been removed due to the Bush Administration’s identification of these groups as terrorist organizations.<sup>23</sup>

## **Narcotics Law Enforcement: Military or Police Jurisdiction?**

The “narco-guerrilla” concept has taken deep root among many Latin American military officers as a justification for military counternarcotics operations and, most importantly, as a means to obtain substantial U.S. security assistance to fight insurgent groups. However, the “narco-guerrilla” concept greatly oversimplifies the complex layers of conflict and violence in the Andean Region. The Colombian conflict has many participants – leftist insurgents, rightist paramilitary groups, common criminals, and drug traffickers – who have been alternately in violent conflict or in temporary truces with one another. The concept also presupposes a military solution to longstanding public order and governance problems. In fact, these difficult problems require the strengthening and extension of public institutions into areas of conflict to provide a credible justice system based upon rule of law, rather than a temporary order imposed by military force.

Military counternarcotics operations cause major turf battles with police agencies and raise some serious jurisdictional and legal questions. Are drug labs and coca fields legitimate military targets to be destroyed, or crime scenes with valuable evidence for prosecution? Should drug cultivators, processors and traffickers be treated as “enemy forces” to be killed or as suspects in criminal investigations and provided legal protections under due process of law? If the “narco-guerrilla” concept continues to gain currency in the U.S. and other countries in Latin America, what are its implications for future police-military relations in the region?

---

<sup>1</sup> Maj. Peter Sanchez, “The Drug War: The U.S. Military and National Security”, *Air Force Law Review*, Vol. 34 (1991), pp 109-152.

<sup>2</sup> Joint Counterdrug Operations, Joint Publication 3-07.4, 17 February 1998, p. 1-4.

<sup>3</sup> Ibid.

<sup>4</sup> Geoffrey Demarest, “The Overlap of Military and Police in Latin America,” *Low Intensity Conflict and Law Enforcement*, Vol. 4, No. 2 (Autumn 1995), p. 240.

<sup>5</sup> Ibid.

---

<sup>6</sup> See “Border Disputes: The Costs of Petty Nationalism“, *The Economist*, August 19, 2000, p. 32.

<sup>7</sup> David Mares, *Violent Peace*, (New York: Columbia University Press, 2001), p. 33.

<sup>8</sup> Ibid, pp. 47-50.

<sup>9</sup> Robert Dix, “Military Coups and Military Rule in Latin America”, *Armed Forces and Society*, Vol. 20, No. 3, (Spring 1994), pp. 439-456.

<sup>10</sup> Demarest, op cit., p. 248.

<sup>11</sup> Library of Congress, Area Handbook Series, *Peru: A Country Study* (1993), p. 298.

<sup>12</sup> See Charles Call, “War Transitions and the New Civilian Security in Latin America”, *Comparative Politics*, Vol. 35, No. 1, (October 2002), p. 4.

<sup>13</sup> Richard L. Millett, “The Future of Latin America’s Armed Forces” in Richard Millett and Michael Gold-Biss, eds. *Beyond Praetorianism: The Latin American Military in Transition* (Miami FL: North-South Center Press, 1996).

<sup>14</sup> An example is the statements by Argentine Joint chief of Staff Admiral Emilio Jose Osses, “Military Cooperation within Mercosur Context”, *La Nacion* 8 July 1992.

<sup>15</sup> Gabriel Marcella, “Warriors in Peacetime: Future Missions of the Latin American Armed Forces”, *Small Wars and Insurgencies*, Vol. 4, No. 3, Winter 1993, p 10.

<sup>16</sup> Examples may be found in a variety of sources, including Human Rights Watch, *Colombia’s Killer Networks: The Military-Paramilitary Partnership and the United States* (New York: Human Rights Watch, 1996); and Peter Dale Scott and Jonathan Marshall. *Cocaine Politics* (Berkeley, CA: University of California Press, 1991).

<sup>17</sup> An example of an study critical of a wider military counternarcotics role in Latin America is Peter Zirnite, “The Militarization of the Drug War in Latin America” *Current History*, Vol. 97, No. 618, (April 1998), pp. 166-173.

<sup>18</sup> Dan Meyer, “The Myth of Narcoterrorism in Latin America” *Military Review*, Vol.70 No.3, (March 1990), pp. 64-70. See also Abraham Miller and Nicholas Damask, “The Dual Myths of ‘Narco-terrorism: How Myths Drive Policy””, *Terrorism and Political Violence*, Vol. 8, No. 1, (Spring 1996), pp. 114-131.

<sup>19</sup> Max Manwaring, “Guerrillas, Narcotics and Terrorism: Old Menaces in a New World”, in *Beyond Praetorianism: The Latin American Military in Transition*. Richard Millett and Michael Gold-Bliss, eds. (Miami, FL: North-South Center Press, University of Miami, 1996), p. 47.

<sup>20</sup> Ibid, pp. 48-49.

<sup>21</sup> An example of the debate about the use of U.S. counterdrug assistance to fight insurgents is found in Christopher Marquis, “The U.S. Struggle to Battle Drugs, Just Drugs, In Colombia,”, *New York Times*, May 26, 2002, A1.

<sup>22</sup> Russell Crandall, *Driven by Drugs: U.S. Policy Towards Colombia* (Boulder CO: Lynn Rienner Publishers, 2002), pp. 143-164.

<sup>23</sup> James Kitfield, “Giving War a Chance”, *National Journal*, Vol. 34, No. 22, (June 1, 2002), p. 1634. See also “Bush Mulls Activist Colombia Stance”, Associated Press, December 27, 2001, quoting Robert Zoellick, a top foreign policy advisor to George W. Bush and currently U.S. Trade Representative

## **The Police and the Rule Of Law in Latin America**

The countries of Latin America have wide variety of police agencies, oversight and control structures, and relations with the military services. However, there are some common problems. The police in Latin America stand at the epicenter of dysfunctional criminal justice systems, soaring crime rates, impunity for privileged members of society and the violation of human rights of those on the bottom. Despite the region's remarkable progress since the 1970's in democratization and the return to civilian from military governments, the problems of crime and the justice system remain significant obstacles to economic and social progress.<sup>1</sup> This section will examine the institutional structure of police forces in Latin America.

Latin America is the most violent region in the world, with homicide rates averaging six times the murder rate of European countries and three times as many murders per capita than poorer countries in Africa, Asia and the Middle East.<sup>2</sup> Countries in the region with ongoing or past insurgencies have even higher crime rates. The World Bank estimates that in the early 1990's the homicide rate in Colombia was about 90, in El Salvador 117, and in Guatemala an astounding 150 murders per 100,000 people.<sup>3</sup> Despite the return to democracy, crime and violence in the region have grown steadily: Between 1984 and 1994, the homicide rate in Latin America increased by 40 percent.<sup>4</sup> Latin America tops the world in kidnappings, car theft, carjackings, assault and property theft. The basic lack of trust of many Latin Americans in their governments is due to the failure to provide basic levels of personal security. However, as Rachel Neild argued, the police are often blamed for the crime waves:

Despite their aggressive approach to public order, Latin America's police are patently failing to reduce violent crime. If anything, police actions tend to increase rather than diminish levels of violence. In Buenos Aires, Argentina, the

police are responsible for over ten percent of all homicides...in Sao Paulo, Brazil, police account for at least 15 percent of homicides. Even in countries where newly-reformed police are not committing systematic abuses of rights, their poor crime-fighting performance has left them with little operational credibility. This is reflected in the lack of citizen collaboration with police.<sup>5</sup>

The police themselves are the targets of violence, particularly in Colombia. Between 1982 and 1992, almost 3000 Colombian police were killed in the line of duty.<sup>6</sup> Drug kingpin Pablo Escobar declared war on the police and the state in 1990, paying professional hitmen (“*sicarios*”) financial bounties to kill policemen. More than 400 police died in Medellin, Colombia in 1990; another 317 were killed between September 1992 and December 1993 by Escobar’s *sicarios* before he was finally gunned down by police.<sup>7</sup> The police have also been targeted by Colombia’s leftist insurgent groups (FARC and ELN) and rightist paramilitary groups (AUC).<sup>8</sup>

The inability of police agencies in Latin America to stop the soaring crime rates is due largely to structural and historical factors which have led to police functioning primarily as repressive forces protecting the rich and powerful in society, neglecting law enforcement and crime prevention. Instead of serving as professional investigators using modern forensic science techniques to solve crimes as in the United States, Latin American police forces tend to focus mainly on suppressing targeted groups.<sup>9</sup> Under the inquisitorial criminal justice system, police can detain persons without arrest warrants issued by courts. Few serious crimes, including homicide, are “investigated” through a judicial process.<sup>10</sup> (In Colombia, for example, less than two percent of all crimes reported resulted in an arrest and conviction).<sup>11</sup> Instead, police tend to solve crimes by “rounding up the usual suspects”. Mark Ungar noted: “Edicts allow police to punish people for who they are rather than what they have done, without being burdened by judicial processes and protections. Courts’ acceptance of this approach indicates a prioritization of social order over penal law, which makes it difficult to bring the police into the rule of law.”<sup>12</sup>

The inquisitorial system relies heavily on written “confessions” – often forced upon persons accused of committing crimes through torture, rather than by discovering physical evidence.<sup>13</sup>

## **Corruption**

Police corruption in Latin America is so endemic that many citizens fear the police more than criminals. According to a survey published in *Latin Trade*, magazine “a whopping 91 percent of Venezuelans and 96 percent of Argentines believe their police forces to be corrupt”.<sup>14</sup> Another indication of the widespread distrust of police and the criminal justice system in the region is that relatively few crimes are even reported. Studies conducted by the Colombian Government Office of Socio-Juridical Investigations estimate that only about 20 percent of all crimes committed were reported to police.<sup>15</sup> According to a study by Ethan Nadelman, the primary factor influencing police corruption in the region is the combination of low salaries and frequent opportunities for abuse of authority.<sup>16</sup> Lack of effective judicial or public oversight of police leads to impunity for police violence and corruption.

Narcotics-related corruption among high-ranking police and military officers has seriously affected U.S. counternarcotics efforts in the region.<sup>17</sup> However, corruption of the military poses a far greater problem for democratically-elected civilian governments, as Bolivian President Gonzalo Sanchez de Lozada once put it: “When you have a corrupt chief of police, you fire him. When you have a corrupt chief of the army, he fires you.”<sup>18</sup>

## **Development of Police Agencies**

The analysis of the problems affecting police forces in Latin America will begin with the historical and structural conditions affecting their formation. The Spanish colonial heritage used military force to provide public order and bequeathed inquisitorial justice systems upon the

citizens of the newly independent republics. During the 19<sup>th</sup> century, most of the countries in the region experienced widespread anarchy and civil war conducted by rival political groups. During the most of the century, military forces maintained public order in the absence of specialized police forces<sup>19</sup>. Modern police agencies in Latin America first emerged around 1900 as a result of the national consolidation that occurred in the late 19<sup>th</sup> and early 20<sup>th</sup> century under strong “caudillo” (strongman or dictatorial) governments<sup>20</sup>. Using European models and technical assistance, local militia and other forces were organized into national police agencies. During the period 1900 to 1950, most of the Andean countries consolidated most or all police functions (including investigative, border, customs, and highway patrolling functions) into single unified national agencies. The Bolivian National Police (BNP), Colombian National Police (CNP), Ecuadorian National Police (ENP), Peruvian National Police (PNP), and Venezuelan National Guard (GN) were established with European, military-style rank structure, doctrine and training, but gradually established plainclothes, investigative and forensic branches and became more autonomous of the military services. This contrasts with the larger Latin American countries (notably Brazil, Mexico and Argentina) with federal systems, which organized powerful police agencies on the municipal and provincial (state) level, in competition with often weaker national agencies. The exception to this consolidation trend is Venezuela, which not only established various rival police agencies (the Technical Judicial Police (PTJ) and the Intelligence Service (DISIP) at the national level, but also maintained separate and competing police agencies at the state and municipal level as well, with overlapping jurisdiction and duplication of infrastructure and efforts.<sup>21</sup>

## Political Control of Police Forces

There are a wide variety of administrative models for the political control of police agencies in Latin America, ranging from inclusion under the Ministry of Defense (Colombia and Venezuela-GN), the Ministry of Interior (Ecuador, Bolivia, Peru, Venezuela-DISIP) or the Ministry of Justice (Venezuela-PTJ). Table 1 below describes the administrative structure of the major police agencies in Latin America.

**Table 1 National Police Agencies in Andean Countries of Latin America**

| Country   | Police Agency   | Controlling Ministry  | Year Organized As a National Force |
|-----------|-----------------|-----------------------|------------------------------------|
| Bolivia   | National Police | Interior/Justice      | 1886                               |
| Colombia  | National Police | Defense               | 1891                               |
| Ecuador   | National Police | Government (Interior) | 1937                               |
| Peru      | National Police | Interior              | 1852                               |
| Venezuela | National Guard  | Defense               | 1937                               |
|           | PTJ             | Justice               | 1958                               |
|           | DISIP           | Interior              | 1969                               |

Source: Mark Ungar, *Elusive Reform: Democracy and the Rule of Law In Latin America*, pp. 97-98, and U.S. Library of Congress, Area Handbook Series: *Bolivia: A Country Study* (1991), *Colombia: A Country Study* (1990), *Ecuador: A Country Study* (1991), and *Peru: A Country Study* (1993).

Ministerial control resulted in a high degree of political influence on police. Paul Chevigny has argued that “politics, in the most direct sense, has been part of the police as the police have been part of politics”.<sup>22</sup> The political influence on police agencies has served to protect the elites from the poor, rather than developing professional police agencies working under the direction of an independent judiciary.

In addition to the executive branch control over the police, Latin American countries have attempted to curb police abuses and corruption by establishing autonomous agencies to provide some degree of oversight.<sup>23</sup> Peru and Colombia have established “Ombudsmen” offices to permit ordinary citizens to have another avenue of redress of human rights violations committed by police, military, or other state agencies. Despite these oversight mechanisms, police corruption and human rights abuses are deeply ingrained into the Latin American justice system.<sup>24</sup>

### **Conflict Built into the System: The Inquisitorial Justice System**

The Spanish colonial heritage provided a Roman civil law-based legal system to Latin America, which utilized the inquisitorial-style criminal justice system. The center of power in the inquisitorial system is the investigating magistrate or judge, who is primarily responsible for handling the entire criminal case process. The police serve as auxiliaries to the judges in this system, rather than as pure investigators. In the inquisitory justice system, judges investigate crimes, weigh evidence, and make decisions.<sup>25</sup> Nearly all steps in the cumbersome process require massive amounts of written documentation and occur without any public oversight. Judges may meet privately with attorneys, leading to widespread corruption and abuse of authority. Although there are defense attorneys representing their clients, this system has no “prosecutors”. Recognizing the abuses of power inherent in this system, “*Fiscalias*” (Public Ministries) were established in the 20<sup>th</sup> century to serve as a means to ensure the “legality” of the process and safeguard the interests of the state. Although “*fiscales*” oversee the process, in the inquisitorial system they have no direct role in case management nor do they initiate prosecutions. Instead, the *fiscales* focus on finding procedural faults with the police investigation or the judges’ handling of the cases.

In the absence of an adversarial process between the prosecutor and the defense attorney before a neutral judge and jury (as in accusatorial justice system), the inquisitorial system pits one part of the justice system (*fiscales*) against another part (judges and police).<sup>26</sup>

There is also considerable conflict between judges and police. The police, under pressure by their political chain of command to “do something about crime”, become frustrated over the lengthy and ineffectual judicial processes. Since most cases result in dismissal of charges against the accused because the cases stagnated in the courts beyond the legal time limits, police resort to “summary justice” to those they consider “delinquents”.<sup>27</sup> In spite of this widespread practice of “social cleansing” in Latin America, judges tend to question police actions only in the cases of flagrant or extreme illegality.<sup>28</sup> Without effective judicial oversight and lacking internal disciplinary structures, police have impunity for violence and corruption.

The inquisitorial system has been widely blamed for the dysfunctionality of criminal justice in Latin America. This system has permitted wealthy individuals to corrupt the system, while the poor languish in overcrowded prisons waiting for their cases to be processed.<sup>29</sup> More than half of all persons held in South American prisons, according to various studies, are awaiting “trial” and many serve more time in prison before trial than prison sentences proscribed for those actually convicted for crimes.<sup>30</sup> In Venezuela, Peru, Ecuador and Bolivia more than 60 percent of prison inmates have not been sentenced, a statistic which underscores the inability of the criminal justice system to process cases.<sup>31</sup> To relieve prison overcrowding in Andean countries, laws permit judges to simply dismiss charges against unconvicted prisoners who have been imprisoned more than one year without trial. Criminal cases may take 7 to 12 years to reach verdicts.<sup>32</sup> One study reported that court congestion was getting worse. In 1993, for

example, the average times for resolution of cases in Argentina, Ecuador and Venezuela were 6.5 years, 7.9 years and 8.4 years respectively – an increase of 85 percent since 1981.<sup>33</sup>

### **Criminal Justice Reform in the Andes**

The countries of Latin America have made major efforts in the past twenty years to reform their inquisitorial criminal justice systems, including revision of criminal procedural codes to incorporate accusatorial-type features and restructure judicial and law enforcement institutions. Colombia was the first country in the region to enact a new accusatory-style criminal code, which went into force in July 1992. Peru followed in 1993, Venezuela in 1997, Bolivia in 1999 and Ecuador in 2001.<sup>34</sup>

Although there are some substantial differences between the new codes, the reform processes attempt to introduce many accusatory features into civil law regimes, including restructuring the roles of judges, *fiscales* and police, and introducing transparency and oral procedures into the judicial process. The major innovation is the reorientation of the role of the *Fiscalia* (Public Ministry) to become the central state prosecuting agency, responsible for directing police investigations and assembling cases. Judges in the new procedural codes shed most of their inquisitorial functions as investigating magistrates, and instead become neutral arbiters of the adversarial process. While the new criminal codes do not provide trial by jury, there is a clear intent to open up the trial process to increased transparency and introduce oral testimony and forensic evidence to supplement the traditional Latin American reliance on confessions and written depositions. Finally, the new codes protect defendant's rights even during the constitutionally provided states of exception, and preserve the jurisdiction of the civilian criminal justice system. As noted by Pahl:

This is an important protection, for under the state of siege provisions enacted during the 1970's, many crimes by civilians – including kidnapping, assault, and any crime involving the use of arms – fell under the jurisdiction of the military courts. Although these courts were arguable more efficient, swift and stringent than regular courts, they had the effect of tacitly conceding that the ordinary judicial process had failed.<sup>35</sup>

Under the new criminal codes, the police are to be supervised during the investigative phase of cases by prosecutors, rather than by judges. The new procedural codes empower the *Fiscales* to issue arrest warrants, authorize the use of wiretaps and other forms of electronic surveillance and conduct searches and seizures without obtaining prior approval by a judge or magistrate.<sup>36</sup> Some U.S. legal experts fear that this mixed inquisitorial/adversarial system simply transfers the unchecked power inherent in the inquisitorial system from the investigating magistrates to the prosecutors.<sup>37</sup>

There have been major problems in Colombia, Venezuela and Ecuador in implementing the new criminal procedural codes. The fundamental problem has been due to the lack of formal training of judges, *fiscales*, police and lawyers in the new system. Although the U.S. Department of Justice, USAID, the World Bank and the Inter-American Development Bank initiated technical assistance programs, in most cases the countries themselves failed to establish a transition process that would indigenously develop nationwide “train the trainer” programs. In addition, most of the international technical assistance projects were initiated *after* the codes went into force and failed to reach the majority of criminal justice sector personnel.<sup>38</sup>

Another major problem is the lack of case management skills and accusatory-style “courtrooms” which would permit oral arguments and contestation between prosecutor and defense attorneys. The absence of forward planning by governments undergoing judicial reform meant that there were no additional budgetary resources to make the necessary investment in the new judicial infrastructure or staffing.<sup>39</sup> Finally, there is widespread resistance to change from

senior judges (fearful of losing their power in a new system they didn't understand and the basis for lucrative bribery) and other sectors of the political system that exploited the inquisitorial system to their advantage.<sup>40</sup>

The lack of effective governance, administrative and control structures over police agencies have had a profound effect on the relationship between police and the military services in Latin America. Competition for scarce budget resources, interagency rivalries and turf battles are often the consequences of these structural differences.

---

<sup>1</sup> A detailed study of the economic and social cost of Latin America's dysfunction justice systems is found in Edgardo Buscaglia, Maria Dakolias and William Ratliff, *Judicial Reform in Latin America: A Framework for National Development*, Hoover Institution Essays in Public Policy No. 65, Stanford University, 1995.

<sup>2</sup> Rachel Neild, "Confronting a Culture of Impunity: The Promise and Pitfalls of Civilian Review of Police in Latin America", in *Civilian Oversight of Policing: Governance, Democracy and Human Rights*, Andrew Goldsmith and Colleen Lewis, eds. (Portland, OR: Hart Publishing, 2000), p. 230.

<sup>3</sup> The World Bank, "Crime and Violence as Development Issues in Latin America and the Caribbean" (Proceedings of a conference held in Rio de Janeiro, Brazil March 2-4, 1997), which cited the Pan-American Health Organization (PAHO) statistics contained in its *Health Situation Analysis Report*.

<sup>4</sup> Heather Ward, "Police Reform in Latin America: Observations and Recommendations", *Woodrow Wilson Center Update on the Americas*, No. 5, July 2002, p. 1.

<sup>5</sup> Neild, op cit, 230.

<sup>6</sup> Washington Office on Latin America, *The Colombian National Police, Human Rights and US Drug Policy* (Washington DC: WOLA, 1993), p. 12.

<sup>7</sup> Ibid.

<sup>8</sup> Examples of attacks on the CNP by paramilitary groups are cited in "Para-noia", *Cambio*, Vol.16, No. 226, October 13, 1997.

<sup>9</sup> Mark Ungar, *Elusive Reform: Democracy and the Rule of Law in Latin America* (Boulder, CO: Lynne Rienner Publishers, 2002), p. 70.

<sup>10</sup> See Paul Chevigny, "Defining the Role of the Police in Latin America" in the *(Un)Rule of Law and the Underprivileged in Latin America*, ed. by Juan Mendez, Guillermo O'Donnell and Paulo Sergio Pinheiro (South Bend, IN: Notre Dame University Press, 1999), pp. 49-70.

<sup>11</sup> Michael Pahl, "Wanted: Criminal Justice – Colombia's Adoption of a Prosecutorial System of Criminal Procedure", *Fordham International Law Journal*, Vol. 16, No. 608, (1993), p. 1.

<sup>12</sup> Ungar, op cit, p. 70.

<sup>13</sup> Neild, p. 227

---

<sup>14</sup> John Otis, “Law and Order”, *Latin Trade*, June 1997, p. 54, quoting a survey coauthored by Maria Angelica Jimenez, a criminologist at the Diego Portales University Law School in Santiago, Chile.

<sup>15</sup> Pahl, p. 1.

<sup>16</sup> Ethan Nadelmann, *Cops Across Borders: The Internationalization of U.S. Criminal Law Enforcement* (University Park, PA: Pennsylvania State University Press, 1993), p. 266.

<sup>17</sup> See the General Accounting Office, “Drug Control: Long-Standing Problems Hinder U.S. International Efforts”, GAO/NSIAD-97-75, February 1997, p. 12.

<sup>18</sup> Quoted in Peter Zirnite, “The Militarization of the Drug War in Latin America”, *Current History*, Vol. 97 No. 618 (April 1998), p. 173.

<sup>19</sup> Charles Call, “War Transitions and the New Civilian Security in Latin America”, *Comparative Politics*, Vol. 35, No. 1 (October 2002), p. 6.

<sup>20</sup> Neild, p. 224-225.

<sup>21</sup> Ungar, pp. 97-98.

<sup>22</sup> Paul Chevigny, *Edge of the Knife: Police Violence in the Americas*. (New York: New Press, 1995) p. 119.

<sup>23</sup> Andrew Goldsmith, “Police Accountability Reform in Colombia: The Civilian Oversight Experiment”, in *Civilian Oversight of Policing: Governance, Democracy and Human Rights* (Portland, OR: Hart Publishing, 2000), pp. 167-194.

<sup>24</sup> Martha Huggins details many examples of police abuse in Latin America in *Political Policing: The United States and Latin America* (Durham, NC: Duke University Press, 1998).

<sup>25</sup> Felipe Saez Garcia, “The Nature of Judicial Reform in Latin America and Some Strategic Considerations”, *American University International Law Review*, Vol. 13 (1998), p. 16.

<sup>26</sup> The author organized numerous training programs for police, *fiscales* and judges in Venezuela and Ecuador. In many of these training courses, the *fiscales* refused to even sit in the same room as the police, a testimony to the extreme animosity members of these institutions hold for one another.

<sup>27</sup> Otis, p. 56.

<sup>28</sup> Neild, p. 232.

<sup>29</sup> Luz Estella Nagle, “The Search for Accountability and Transparency in Plan Colombia: Reforming Judicial Institutions – Again”, U.S. Army War College Strategic Studies Institute, May 2001.

<sup>30</sup> Ungar, p. 52, citing various country reports and personal interviews.

<sup>31</sup> Ungar provides a table with statistics on the degree of overcrowding, percentage of unsentenced prisoners, and average daily spending per prisoner, p. 35.

<sup>32</sup> Ibid, pp 35-36.

<sup>33</sup> Edgardo Buscaglia, “Obstacles to Judicial Reform in Latin America” in *Justice Delayed: Judicial Reform in Latin America*, Edmundo Jarquin and Fernando Carrillo, eds. (Washington DC: Inter-American Development Bank, 1998) pp. 18-19.

<sup>34</sup> Malcolm Rowat, Waleed Malik, and Maria Dakolias, *Judicial Reform in Latin America and the Caribbean: Proceedings of a World Bank Conference* (World Bank Technical Paper No. 280) August 1995. See also Javier Ciurlizza, “Judicial Reform and International Legal Technical Assistance in Latin America”, *Democratization*, Vol. 7, No. 2 (Summer 2000), pp. 211-230.

<sup>35</sup> Pahl, p. 8.

<sup>36</sup> Ibid, p. 11.

---

<sup>37</sup> Ibid, p. 11.

<sup>38</sup> Ibid, p. 9

<sup>39</sup> In Ecuador, the new criminal procedure code was enacted without even establishment of a government “transition team” to coordinate or plan the training, investment in new infrastructure or any other necessary changes in order to implement the new system. U.S. assistance programs (funded by USAID and NAS) were required to begin “train the trainer” programs.

<sup>40</sup> A bestselling book in Venezuela during 1996 which detailed glaring examples of judicial corruption is entitled *Cuanto Vale un Juez?* (“How much does it cost to buy a judge?”)

## **Turf Battles and Interagency Rivalry**

The administrative structure of the police and lack of effective control measures has had a profound effect on the relationship between police and the military services. Competition for scarce budget resources, interagency rivalry and turf battles are often the consequences of these structural differences. In addition, sociological and cultural differences between police and military services frequently complicate coordination between them.

Historically, the overlap of police and military roles in Latin America is the most critical source of interagency conflict and rivalry, which have hampered joint cooperation and coordination. There are other factors that complicate the relationships as well. This section will examine the differences between military services and police agencies in the region, including long standing political antagonisms, sociological factors and battles over declining domestic budgetary resources and foreign assistance funds.

### **Historical Antagonisms: “Golpe de Estado” versus Defending the Government**

The profound differences in organization and control structures between military services and police agencies are most visible when a civilian government is threatened or toppled by a military coup. In reviewing accounts of military coups, one is struck by the lack of participation or often defense of the incumbent government by the police.<sup>1</sup> Why don't policemen lead coups? And if they do participate in coups or other forms of military intervention, are they on the same side as the military services?

Notable examples of violent military- police conflict include the Bolivian revolution of 1952 (police supported the peasants and miners which toppled a military-backed conservative government), Colombia's decade-long "La Violencia" in the 1950's (the police generally supported the Liberals and opposed the military-backed Conservatives) and the two coup attempts in 1992 in Venezuela. (put down in large measure by the National Guard).<sup>2</sup> In 1975, Peruvian police and the Army fought a pitched battle in Lima's police headquarters which killed over 100 persons (mainly police personnel).<sup>3</sup> In Mexico, rival police agencies and Army units have had numerous violent conflicts, including an incident in November 1991 when Mexican Army units protecting a Colombian aircraft carrying 370 kg of cocaine at a remote airstrip in the state of Veracruz shot and killed seven Federal Judicial Police agents who were attempting to seize the aircraft and arrest the pilots. Two senior Army generals and three other military officers were arrested in connection with this incident.<sup>4</sup> The most recent example of violent police/military conflict occurred on February 12-13, 2003, when Bolivian Army units attacked striking policemen, killing dozens.<sup>5</sup>

Interagency rivalry is also displayed through less violent ways such as repeated failures of military services to provide logistical support to police counternarcotics operations and in longstanding sports rivalries.<sup>6</sup> Historical antagonisms between police agencies and military services due to these conflicts continue to persist in their respective "corporate cultures" and form the basis of psychological barriers to building improved interservice cooperation in the region.

### **Political Connections of the Police**

One factor underlying the conflicts between the military services and the police is the degree to which the leadership of police agencies – the top cops – are politically connected by

the government in power. Promotions are closely linked to political connections in police agencies. As noted by Cynthia Enloe:

“... the police force is an institution whose focus in most countries is local – even when it is administered from a central headquarters. The police ... are subsumed under local policy rubrics. By contrast, the military by its very nature is a major ingredient in national policy formulation.”<sup>7</sup>

The political connection between police and the regime in power is a “quid pro quo” – the elites which control the government obtain protection against the lower class by repressive policing, while the police serve as a counter-balance to the powerful military high commands. In return, the political elite looks the other way when police officers obtain illicit wealth through petty corruption and bribes. Latin American military officers, on the other hand, have less opportunity for petty corruption and instead look for lucrative “kick-backs” on military procurement contracts.<sup>8</sup> In addition, the large industrial and commercial holdings of Latin American militaries (ranging from munitions and clothing factories, airlines to banks and other commercial ventures) offer senior military officers comfortable sinecures once they retire from active duty.<sup>9</sup>

### **Sociological Factors**

Another primary cause of police-military conflict is in their sociological differences. While there are few studies on the sociological or ethnic composition of police forces in Latin America, Cynthia Enloe found that police personnel are generally recruited from the lower classes of society, and often the police tend to be sons or daughters of policemen<sup>10</sup>. As noted by Rachel Nield: “Latin American police forces are characterized by low education levels, limited and poor training, steep hierarchical structures, low pay, bad working conditions, limited equipment, and poor technical capabilities.”<sup>11</sup> She also quotes a study of the police in Argentina:

“Only a tiny sector of the population has any interest in entering the police academy because of the bad pay and terrible image of the police in the community. Of those entering the academy, the majority come from families of police officers. At the same time, when the same agency has tried to raise the standards for police recruitment, it has resulted in a shortage of candidates.”<sup>12</sup>

In contrast, the military services in most Latin American countries – despite their authoritarian legacies -- are considered among the most respected institutions in society, next to the Catholic Church.<sup>13</sup> The competition to enter military academies is keen and the military are able to attract better educated youths into the officer corps. While the bulk of armies are composed of conscripts or draftees who often come from the poorest levels, the officer corps has traditionally been a means to rise in society.<sup>14</sup> Latin American military services (particularly the officer corps) see themselves often as a morally superior caste apart from the corruption of civilians. Due to much larger budgets, Latin American military personnel in general receive much more training than the police, are better armed and equipped, and enjoy much better medical care and other benefits. Educational, cultural and political differences divide police from military personnel, often creating difficulties in communication and cooperation. Latin American militaries generally view national police as competitors, rather than as equal partners in a common cause. Even in the examples of Colombia and Venezuela, where the national police forces are under the Ministry of Defense, the “traditional” military services – Army, Navy and Air Force - still tend to view the police as subordinate and lacking in capability, integrity and discipline. The police, in turn, tend to view military leadership as domineering and uncooperative, lacking respect for judicial processes and interfering in the democratic processes. The differences in training, outlook and corporate cultures dividing police and military services in Latin America are profound.

## **Budget Battles**

Perhaps the greatest source of friction between military services and police agencies are competition for scarce budgetary resources and foreign assistance funds. Since the return to democracy, civilian governments have shifted national priorities away from defense spending towards public health, housing and education. In addition, IMF austerity programs and the decline in tax revenues due to weakening economies and poor tax collection have reduced public sector spending on military services.<sup>15</sup> (In 1994, the region spent just 1.7 percent of its collective GDP on defense, down from 3.1 percent in 1985.<sup>16</sup>) The weakness of public finance in most Latin American countries pits agency against agency in budget battles, with the police and the judicial system usually coming out the losers. (Latin American countries are among the lowest in the world on the percentage of GDP spent on the judicial sector. Salaries for judges and other personnel are extremely low, which prevents the judicial sector from attracting the best qualified law school graduates.<sup>17</sup>)

Military influence on legislative and executive branch budgetary politics is much greater due to their larger numbers and power, the ever-present threat of military intervention, and other factors.<sup>18</sup> However, the combination of reduced public sector spending and declining foreign military assistance funding have greatly impacted even the powerful military services. U.S. funding for the FMS – Foreign Military Sales – and FMF – Foreign Military Financing -- programs for the Latin American region have fallen precipitously from its peak during the 1980's. In FY-96, less than 3 percent of total FMS and less than 0.1 percent in FMF was allocated to the Latin American region.<sup>19</sup> By the mid 1990's, FMF had been reduced to zero for the Andean countries. The only category of security assistance still available to South American countries was small amounts of IMET (International Military and Education Training) funding.<sup>20</sup>

As a consequence of the steep decline in security assistance, Latin American militaries have turned their attention to the one major growth area of U.S. and international foreign assistance programs: counternarcotics funding, which had previously been allocated almost exclusively to police agencies in the region. The following section will discuss this issue in greater detail.

### **Interagency Coordination**

Latin American civilian authorities recognize these problems and have attempted to improve interagency coordination between military and law enforcement agencies. Latin American countries have established national “drug czar’s offices” (similar to the ONDCP in the U.S). in order to improve police/military counterdrug coordination, arbitrate disputes over jurisdiction, formulate national drug control strategies and allocate budgetary resources. However, the institutional weaknesses of these offices have severely limited their effectiveness. In practice, they have had virtually no influence on the allocation of national counterdrug funding nor in coordinating the sharing of drug-related intelligence. What limited power they exercise over law enforcement agencies is due primarily to their judicially assigned role to maintain and allocate assets seized from drug traffickers.<sup>21</sup> In the Andean countries, the “drug czars” have a greater role in representing their governments in negotiations for foreign assistance from international organizations such as the OAS/CICAD and the UN Drug Control Program (UNDCP). These offices also play an important role in licensing the importation of precursor and essential chemicals, in proposing legislation on money laundering, and in organizing and supervising drug prevention and treatment programs.

Joint Intelligence Coordination Centers (JICCs) have been established in many Latin American countries, but intelligence sharing between police and military is shared only

selectively and rarely in real time. Interagency distrust and fear of violating the chain of command are the primary factors in military and police refusal to share intelligence.<sup>22</sup>

---

<sup>1</sup> Linda Reif, "Seizing Control: Latin American Military Motives, Capabilities, and Risks," *Armed Forces and Society*, Vol. 10, No. 4, (Summer 1984), pp. 563-582. See also Martin Needler, "The Latin American Military Coup as a Problem in the Social Sciences," *Studies in Comparative International Development*, Vol. 1, No. 3 (Fall 1978), pp. 28-40. Other useful sources include Ekkart Zimmermann, "Towards a Casual Model of Military Coups", *Armed Forces and Society*, Vol. 5, No. 3 (Spring 1979) pp. 387-413; William Thompson, "Organizational Cohesion and Military Coup Outcomes", *Comparative Political Studies*, Vol. 9, No. 3, (October 1976), pp. 255-276; and Harvey Kebschull, "Operation 'Just Missed': Lessons from Failed Coup Attempts", *Armed Forces and Society*, Vol. 20, No. 4, (Summer 1994), pp. 565-579.

<sup>2</sup> A complete listing of military coups in Latin America since 1967 is found in Robert Dix, "Military Coups and Military Rule in Latin America", *Armed Forces and Society*, Vol. 20, No. 3, (Spring 1994), p. 443.

<sup>3</sup> U.S. Library of Congress, Country Handbook Series, *Peru: A Country Study* (1993), p. 300.

<sup>4</sup> Monica Serrano, "The Armed Branch of the State: Civil-Military Relations in Mexico", *Journal of Latin American Studies*, Vol. 27, No. 2, (May 1995), pp. 423-448.

<sup>5</sup> "Uneasy Calm Returns to Bolivia", BBC News, World Edition, 14 February 2003.

<sup>6</sup> Police and military have also clashed violently in Ecuador in the past. This conflict continues today (with less bloodshed) in the fierce sports rivalry between the military's professional soccer team (*El Nacional*) and the police team (*Espoli*).

<sup>7</sup> Cynthia Enloe, *Police, Military and Ethnicity: Foundations of State Power* (New Brunswick, NJ: Transaction Books, 1980), p. 128.

<sup>8</sup> Examples of military corruption in procurement can be found in virtually every Latin American country. In Venezuela, for example, the Minister of Defense and other top military officer were partners in a construction company that received a substantial contract to modernize the Army's tanks, but lacked the technical expertise and ultimately failed to complete the work, despite having received a large payment in advance.

<sup>9</sup> See Donald Schultz, "The Growing Threat to Democracy in Latin America", *Parameters*, Vol. 31, No. 1 (Spring 2001), p. 63. Examples abound in every Latin American country. In Ecuador, the country's largest domestic airline TAME is 100 percent owned by the Air Force, while the Army owns banks and industrial companies. The biggest example of military control of state companies is Chile. The Pinochet government enacted a law that requires 10 percent of the annual revenues of the Chilean National Copper Company (CODELCO) – the world's largest copper producer – be allocated directly to the military. The company is also a source for retirement jobs for Chilean military officers. This law remains in effect despite the country's return to democracy in 1990.

<sup>10</sup> Enloe, op cit.

<sup>11</sup> Rachel Nield, "Confronting a Culture of Impunity: The Promise and Pitfalls of Civilian Review of Police in Latin America", *Civilian Oversight of Policing*, Andrew Goldsmith and Colleen Lewis, eds. (Portland, OR: Hart Publishers, 2000), p. 229.

---

<sup>12</sup> Centro de Estudios Legales y Sociales (CELS) and Human Rights Watch/Americas. *La Inseguridad Policial: Violencia de las Fuerzas de Seguridad en la Argentina* (Buenos Aires: CELS, 1998), p. 20.

<sup>13</sup> See the results of an opinion poll conducted in 2000 in 17 Latin American countries by Latinobarometro, a private polling company based in Chile. The survey found that about two thirds of Latin Americans had little or no trust in their politicians, congresses, police or judiciaries. A sizeable percent – over 25 percent – said that they preferred authoritarian military governments. Results quoted in “Yours Discontentedly, Latin America” *The Economist*, May 13, 2000, p. 34. An updated survey was reported in “The Latinobarometro Poll: Democracy Clings On in a Cold Economic Climate”, *The Economist*, August 17, 2002, 29-30.

<sup>14</sup> For example, in Colombia the law mandates universal military service for all 18 year old males, but high school graduates (largely middle or upper class) are exempt from having to serve in combat units facing guerrilla forces.

<sup>15</sup> Steven Lee Myers, “The Latin Arms Explosion that Fizzled”, *New York Times*, December 3, 1998.

<sup>16</sup> “Latin American Arms: Toys for the Chicos?” *The Economist*, October 5, 1996, 43.

<sup>17</sup> Linn Hammergren, *The Politics of Justice and Justice Reform in Latin America* (Boulder CO: Westview Press, 1998), pp. 6-8. See also Nestor Humberto Martinez, “Rule of Law and Economic Efficiency” in Edmundo Jarquin and Fernando Carillo, eds. *Justice Delayed: Judicial Reform in Latin America* (Washington: Inter-American Development Bank, 1998), pp. 3-13.

<sup>18</sup> Merilee Grindle, “Civil-Military Relations and Budgetary Politics in Latin America”, *Armed Forces and Society*, Vol. 13, No. 2, (Winter 1987), pp. 255-275.

<sup>19</sup> Richard Millett. “The United States and Latin America’s Armed Forces: A Troubled Relationship”, *Journal of InterAmerican Studies and World Affairs*, Vol. 39, No. 1 (Spring 1997), p. 123, citing statistics from U.S. Department of Defense, Security Assistance Agency (DSAA), *Fiscal Year Series*, published by the Financial Policy Division, Comptroller, DSAA.

<sup>20</sup> Statistics on U.S. security assistance programs are found in Kenneth Martin “Fiscal Year 2002 Security Assistance Funding Allocations” *DISAM Journal*, Vol. 24, No. 3, (Spring 2002). For comparison with earlier years, see U.S. Department of Defense, Defense Security Assistance Agency, *Fiscal Year Series*.

<sup>21</sup> Letter from Narcotics Affairs Section, U.S. Embassy, Bogota, Colombia to author dated January 23, 1998 described the accounting process of the DNE (National Directorate of Dangerous Drugs) of assets from the Rodriguez Gacha case, a trafficker who had been killed in 1989 and whose assets were still being discovered.

<sup>22</sup> An example of the difficulty in police-military intelligence sharing occurred in Ecuador in November 2000. Pressured by their superiors, Ecuadorian Army units discovered a cocaine laboratory just south of the Putumayo River which demarcates the border with Colombia. Instead of turning the facility over to the police to collect evidence under Ecuador’s Drug Law, Army units attacked the site, inflicting casualties, destroying evidence and facilities, and kept the police away for three days. By the time the police and judicial authorities were allowed in to the site, the witnesses and evidence had been irreparably tampered with.

## **U.S. Assistance Programs for Latin American Police**

Why are the institutional antagonisms between the Latin American police and the military important to the U.S.? Since World War II, the U.S. has poured billions of dollars into a broad range of counternarcotics, economic development, administration of justice and security assistance programs to the region. These programs have been managed by variety of U.S. civilian and military agencies to strengthen the institutional capabilities of Latin American police agencies, military services, public and private sector agencies and non-governmental organizations. The primary purpose of U.S. assistance since the 1960's has been focused on democratization, sustainable economic and social development based upon private-sector led investment, and free market economic systems open to international trade. Despite all the efforts and significant progress achieved in most of these goals and objectives, the most glaring failures to date have been in the areas of criminal justice reform and inter-agency cooperation. This section will focus on U.S. assistance programs to law enforcement agencies in the region and how these programs have affected police/military relationships.

### **Shift from Militarized to Investigative Police**

U.S. involvement in the development of modern police forces in Latin America dates from early in the 20<sup>th</sup> century, but was initially directed towards merging military and police functions. Following U.S. military interventions in the Caribbean and Central America, the U.S. encouraged and assisted the formation of constabulary (militarized) style police forces, such as the Nicaraguan National Guard, to maintain public order once U.S. forces pulled out.<sup>1</sup>

Major funding for police assistance in Latin America began during the Cold War years of the 1950's and 60's, oriented towards suppression of leftist insurgencies, and contributed towards the mixing of internal security, law enforcement and military functions. As part of the Kennedy Administration's policies focusing on the region in response to the Cuban revolution and the threat of communist-backed insurgencies, the U.S. established the Office of Public Safety (OPS) within the U.S. Agency for International Development. OPS was a civilian assistance program directed at strengthening police agencies.

In its twelve years of existence, OPS provided foreign police forces with millions of dollars worth of weapons, transportation and telecommunications equipment. It trained over 10,200 foreign police officers in the United States, and stationed over 400 U.S. personnel in 52 countries worldwide to provide additional in-country training. OPS training covered areas such as criminal investigation, intelligence, patrolling, interrogation and counter-insurgency techniques, riot control, traffic control, weapon use and bomb disposal.<sup>2</sup>

Balancing its primary concern of communist insurgencies with a genuine interest in economic and social development, the U.S. policy focus shifted towards the principle of separating police and military functions. The "Alliance for Progress" favored creation of modern, professional police forces and humane treatment of the civilian population as necessary to build public support. However, these good intentions were complicated by the military control of police forces that tended to undermine these programs' effectiveness and cause violation of human rights. As noted by WOLA:

By the late 1960's, U.S. police assistance programs had begun to draw fire. Evidence that U.S. police aid was used in South Vietnam to erect underground "tiger-cages" and reports that U.S.-provided equipment was used in torture in Argentina and Uruguay produced a public outcry. Some critics charged the United States with teaching torture techniques and using OPS for intelligence purposes. ... In response, the U.S. Congress in 1973 prohibited police training

conducted abroad, and in 1974 passed Section 660 of the Foreign Assistance Act. The provision specifies that no foreign assistance funding “shall be used to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.”<sup>3</sup>

However, Section 660 applied only to economic and military assistance appropriated under the Foreign Assistance Act, and did not apply to counternarcotics or other kinds of “national security” related assistance. In 1983, Congress authorized anti-terrorism training for foreign police in the U.S. and by 1990 permitted such training to be conducted outside of the U.S.

The U.S. military began conducting police training in 1986 in drug interdiction and control; restrictions were further relaxed in 1988 when the U.S. military was authorized to provide weapons, ammunition and other types of support to police to supplement International Narcotics Control (INC) funds administered by the U.S. Department of State, Bureau of International Narcotics and Law Enforcement (INL) for drug law enforcement technical assistance.

### **Administration of Justice Programs**

In 1986, the U.S. Department of Justice established the International Criminal Investigations Training Assistance Program (ICITAP) to provide a broad range of technical assistance to strengthen the administration of justice in selected countries. The ICITAP program supplemented other AOJ programs funded by USAID, and was directed at judges, *fiscales* and the police.<sup>4</sup>

ICITAP began its assistance efforts in Colombia in 1991 with the purpose of strengthening the investigative and forensic skills of the police, developing specialized police

units to investigate financial crimes such as money laundering, and conducting human rights and anti-corruption training. This program was complemented by another DOJ program – the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) -- directed at assisting the *Fiscalia* assume its new role as prosecutors under the new Colombian criminal justice procedural code.<sup>5</sup> Smaller OPDAT and ICITAP programs were also initiated in Venezuela, Ecuador and other Latin American countries with USAID and INL funds.

### **U.S. Security Assistance to Military and Police**

In addition to technical assistance administered by the U.S. Departments of State and Justice, in the 1990's the U.S. began to provide significant amounts of military equipment to police agencies as drawdowns from U.S. military inventories under Section 506 (a) and 516 of the Foreign Assistance Act and as "Excess Defense Articles" (EDA). At the same time, the U.S. significantly increased its counterdrug assistance to military services in order to influence them to support the overall effort, while simultaneously reducing "traditional" security assistance programs such as FMF. Beginning in 1996, the U.S. provided helicopters, communication gear, riverine and coastal patrol boats, surveillance aircraft, and other military equipment were donated to military and police agencies of Mexico, Colombia, Venezuela, Peru and certain Caribbean island countries, although the police received a smaller share of the hardware. For example, Colombia's package was split between military services (\$ 29.6 million) and the National Police (\$ 10.2 million). The Colombian Army received 20 UH-1H helicopters, spare parts and other gear, while the CNP received 12 helicopters. This trend of using counternarcotics assistance, EDA and drawdowns to strengthen military support for the counternarcotics mission continued through the Clinton Administration with strong support from U.S. Southern Command.

In 2000, counternarcotics assistance to the Andean countries was greatly expanded with the development of Plan Colombia. This ambitious \$ 7.5 billion plan was developed to primarily address the worsening violence from Colombian insurgent groups (FARC and ELN) and the dramatic surge in coca cultivation in Colombia while coca production fell in Peru and Bolivia. The Clinton administration presented Congress with a \$ 1.3 billion funding request for the U.S. contribution to Plan Colombia, which also provided assistance to Bolivia, Venezuela, and Ecuador in addition to funding for a number of strictly U.S. defense projects in the region (such as the Forward Operating Locations (FOLs)). The majority of the assistance was directed at the military services of the Andean countries, while the police received much smaller percentages of the assistance. Of the Colombian package, the military (primarily the Army) received 58 percent of the assistance, while the CNP received only 14 percent. The rest was divided up between various environmental and justice sector programs. The key element of this assistance plan was the creation of three new Colombian Army anti-narcotics battalions and provision of 60 helicopters (42 UH-1H and 18 Blackhawks).<sup>6</sup>

**Table 2**  
**Plan Colombia Allocations**  
**(USD millions)**

|  |                |
|--|----------------|
| Military Assistance                                      | 519.2          |
| Police Assistance  | 123.1          |
| Alternative Development                                  | 68.5           |
| Aid to the displaced                                     | 37.5           |
| Human rights   | 51.0           |
| Judicial reform  | 13.0           |
| Rule of law  | 45.0           |
| <u>Peace Process</u>                                     | <u>3.0</u>     |
| <b>Total for Colombia</b>                                | <b>860.3</b>   |
| Forward Operating Locations<br>(Ecuador, Aruba, Curacao) | 116.5          |
| U.S. DOD intel gathering                                 | 62.3           |
| Radar upgrades   | 68.0           |
| DEA “Drug Kingpin” program                               | 2.0            |
| DOD Aircraft   | 30.0           |
| Peru Assistance  | 32.0           |
| Bolivia Assistance                                       | 110.0          |
| Ecuador Assistance                                       | 20.0           |
| <u>Other countries</u>                                   | <u>18.0</u>    |
| <b>Total Plan Colombia</b>                               | <b>1,319.1</b> |

Source: U.S. Office of Management and Budget, 2000. Cited in Russell Crandall, *Driven by Drugs: U.S. Policy Towards Colombia* (Boulder, CO: Lynne Rienner Publishers, 2002).

### **Impact of U.S. Assistance Programs on Police/Military Relations**

The primary purpose of Plan Colombia is to strengthen Colombia’s governmental institutions to control violence, provide economic opportunities for the poor and control international drug trafficking. However, the bulk of the assistance went to military services; the justification being that the violence caused by insurgents, paramilitary forces, and criminal elements was fueled by cocaine money, threatening the internal stability of Colombia and neighboring countries.<sup>7</sup> The prospect of significantly greater assistance set off a “food fight” among the military services, with “scraps” thrown to the police in the recipient countries. In

Colombia, the army clearly took the lead in the Pastrana Administration's aggressive and ambitious plan to defeat the FARC and ELN. As stated by Thomas Marks:

"The Colombian security forces were quite unprepared for this sequence of events after more than three decades of small scale, counter guerrilla operations. The police ... though roughly 100,000 men, were spread throughout the country in small posts from which they engaged in the route associated with law enforcement as opposed to warfare... Though police and military were co-equals in the Public Forces under Defense Minister Luis Fernando Ramirez Acuna, the army was key".<sup>8</sup>

Latin American military and police forces are increasingly dependent upon foreign, primarily U.S., assistance programs for training, equipping and organizing counternarcotics units. Due to the prospects of substantial U.S. assistance to police and military units, there is less incentive for host nations to allocate their own resources to fund counternarcotics agencies and operations. The expectation by many Latin American countries that the U.S. will continue to bear the financial burden of the "drug war" indefinitely into the future has harmed the long run viability of those programs. This has had the paradoxical effect of weakening the institutions that we intended to strengthen.<sup>9</sup> For example, the U.S. has provided virtually all the funding for the aerial eradication programs in Colombia and Venezuela against opium poppy and coca cultivations since the 1980's, with little national contribution to the cost of such operations. The U.S. has also played a major role in providing basic operational support for specialized police units due to lack of funding from their own resources. In another example, the Ecuadorian National Police (ENP) established a separate Anti-Drug Division in 2000, but failed to provide the Division with any operating budget at all out of its own funds. The entire ENP Anti-Drug Division was supported with funds and technical assistance from the Department of State, DEA and U.S. Customs.<sup>10</sup> U.S. technical assistance programs need to look for ways to achieve increased host nation "buy-in" to the long-term institution-building effort. In addition, U.S.

programs should seek to promote unity of effort among police agencies, military services and civilian government agencies.<sup>11</sup>

---

<sup>1</sup> The Washington Office on Latin America, “Demilitarizing Public Order: The International Community, Police Reform and Human Rights in Central America and Haiti”, November 1995, p. 5.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid, p. 6.

<sup>4</sup> A detailed study of the U.S. administration of justice assistance programs in the 1980’s is found in Jose Alvarez, “Promoting the Rule of Law in Latin America: Problems and Prospects”, *George Washington Journal of International Law and Economics*, Vol. 25 (1991), pp. 281-331.

<sup>5</sup> U.S. Department of Justice, Criminal Division, Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) webpage.

<sup>6</sup> Ricardo Arias Calderon, Plan Colombia: Some Differing Perspectives” Strategic Studies Institute, U.S. Army War College, June 2001.

<sup>7</sup> Plan Colombia documents are available at the U.S. Institute of Peace Library, Internet website. ([http://www.usip.org/library/pa/colombia/adddoc/plan\\_colombia\\_101999.html](http://www.usip.org/library/pa/colombia/adddoc/plan_colombia_101999.html)).

<sup>8</sup> Thomas Marks, “Colombian Army Adaptation to FARC Insurgency”, Strategic Studies Institute, U.S. Army War College, January 2002, p. 10.

<sup>9</sup> In a study of U.S. military assistance programs to Latin America during the 1960s and 70’s, John Fitch found that high levels of U.S. assistance actually weakened civilian control over the military and increased the “institutionalization” of military coups as a means to resolve social tensions. Fitch argued that increased military professionalization resulted in military services becoming more technically proficient than civilian authorities in providing public services, thereby increasing the likelihood of military coups. John Samuel Fitch, “The Political Impact of U.S. Military Aid to Latin America: Institutional and Individual Effects”, *Armed Forces and Society*, Vol. 5, No. 3 (Spring 1979), pp. 360-386.

<sup>10</sup> The author was director of the Narcotics Affairs Section at the U.S. Embassy in Ecuador at this time.

<sup>11</sup> See Thomas Carothers, “The Rule of Law Revival” *Foreign Affairs*, Vol, 77, No. 2 (March/April 1998) for a discussion of the need for national elites to “buy-in” to the strengthening of “rule of law” and independent judicial systems.

## **A Theoretical Model of Police-Military Relations**

The relationships between police agencies and military services vary considerably from country to country in Latin America. Although generally these relations tend to be characterized by bitter competition over budgetary resources and profound differences in interests and objectives, there are structural factors that affect the degree to which these inherent differences moderate or worsen conflicts. This section will outline several of these factors as variables in a theoretical model of police-military relations, and discuss the model's application for additional research.

Latin American countries differ considerably on the extent of institutional autonomy of the police forces from the military. As discussed earlier in this paper, police agencies under the Ministry of Defense (such as the Colombian National Police and Venezuelan National Guard) have administrative mechanisms for coordination which facilitate inter-service relations. In countries where the police are under the Ministry of Interior or Justice, there is more autonomy from the military services and they rarely coordinate their counterdrug operations.

This dimension could be labeled the "absorption effect variable". A high degree of autonomy would imply that the police would require considerable counternarcotics assistance to develop their own transportation and logistical infrastructure, since military support is not forthcoming. Countries with high autonomy factors would therefore be considered "high absorption" as well, since the police have had to develop their own bases, transportation and logistical support facilities, which duplicate existing military infrastructure. Such countries would have a higher absorption capacity of U.S. counternarcotics assistance.

In “low absorption” countries, we would expect that the greater degree of interagency coordination would eliminate the requirement for the police to develop duplicate logistical support structures, and consequently would have lower assistance requirements and a lower absorption capacity.

A second variable is the degree of direct military involvement in law enforcement and particularly the degree of overlap of functions between the police and the military services. This can be called the “crowding out” effect. In high overlap countries, the military services can use its superior bureaucratic strength to exclude police jurisdiction. This could result in the use of military tactics in counter-drug operations, rather than permitting the police to apply law enforcement investigative methods. For example, following the discovery of approximately 1000 hectares of opium poppy cultivation in the Sierra de Perija border area with Colombia in 1994, the Venezuelan Air Force bombed and strafed the rudimentary structures near the fields. Not to be outdone, the Venezuelan Army entered the zone, detained Colombian nationals and planted land mines in the poppy fields. Meanwhile, the National Guard had the responsibility to gather evidence at the sites for prosecution of those detained under Venezuela’s Organic Drug Law, but this became a hazardous duty due to the military actions. The valuable evidence also needed for intelligence exploitation was also destroyed. The Army asserted that the Venezuelan government’s designation of a form of martial law along the Colombian border authorized the military to make drug arrests and eradicate drug crops, responsibilities normally under the jurisdiction of the Venezuelan National Guard.<sup>1</sup>

Another example of the “crowding out” effect concerns the debate over aerial versus manual crop eradication procedures. In Mexico, for example, the Army has been heavily involved in drug crop eradication operations using manual eradication techniques, while the

Federal Judicial Police conduct aerial eradication. Similarly, the Mexican army is currently conducting drug interdiction operations without police support. In high “crowding out” countries, the sheer size of the military and its resources can overwhelm the smaller and poorly armed police forces.

In low “crowding out” countries, the military does not generally get directly involved in drug interdiction, investigations or crop eradication operations. This was the case in Colombia and Peru during most of the 1980’s and 1990’s, but is changing as increasing U.S. assistance is funneled to military services in combating the “narco-guerrilla” menace.

This model can be described by the following typology:

**Table 3**  
**A Model of Police-Military Relations in Latin America**

| Degree of<br>Functional<br>Overlap | Degree of Autonomy             |                |
|------------------------------------|--------------------------------|----------------|
|                                    | High                           | Low            |
|                                    | High<br>Ecuador, Mexico        | Venezuela (GN) |
| Low                                | Peru, Bolivia, Venezuela (PTJ) | Colombia       |

Additional research is necessary to empirically test the correlation between the degree of police-military conflict in each of the cells in the above model. To rigorously test this model, a proxy variable to measure degree of cooperation would have to be identified. This paper suggests that such a variable could be constructed by measuring the number of joint operations undertaken, degree of operational coordination, or number of armed confrontations between the police and military services.

This model would hypothesize that the most harmonious interagency relationships would be found in low autonomy, low functional overlap countries (such as Colombia) and the worst relationships in high overlap, high autonomy countries (such as Ecuador and Mexico). In low

overlap, high autonomy countries (Peru, Bolivia, the Venezuelan Technical Judicial Police), the model would predict periodic conflict, depending on the extent to which the interests of the police clash with the (different) interests of the military. And in high overlap, low autonomy countries (Venezuelan National Guard), conflict is mitigated by the fact that the GN must acquiesce due to the greater power of the military services (particularly the Army) within the Ministry of Defense.

The second area for future research would be to explore the dynamics of the model in view of Plan Colombia. As the role of the military in drug interdiction operations in Colombia and neighboring countries grows, will turf battles worsen with the police?<sup>2</sup> Will the police be forced to yield in the face of the superior bureaucratic power of the Army within the Ministry of Defense, or will the CNP react by strengthening its own autonomy?

Other dimensions that could be added to this theoretical model include the degree of historical antagonisms (for example, the number of military coups which were opposed by the police), the ratio of relative police and military corruption, the degree of the effectiveness of national coordinating bodies such as the “drug czar’s” offices, and measures of civilian control over the military.

Once validated, this model could be tested to predict interservice rivalry or cooperation in other countries and regions as well. The implications of the model will be discussed in the final section of this paper.

---

<sup>1</sup> The author was Director of the Narcotics Affairs Section at the U.S. Embassy in Caracas, Venezuela at the time and directed the aerial eradication program targeted against the illicit opium poppy crops. Interservice rivalry was particularly bitter between the VE Army and the National Guard at the time. INL Airwing pilots reported that their crop duster airplanes, clearly marked with the Venezuelan National Guard insignia, were fired upon by VE Army units in the area and received bullet holes in the wings.

---

<sup>2</sup> The author was the Director of the Narcotics Affairs Section at the U.S. Embassy in Quito, Ecuador during the negotiations and planning for allocation of Plan Colombia funds for Ecuador. During the initial meetings held at the Ecuadorian Foreign Ministry, the military services – Army, Navy and Air Force – outlined ambitious plans for using the funds for each of their services which would cost many multiples of the amount of assistance actually offered by the U.S. The police, who had the legal responsibility for drug law enforcement in the country, were not even asked by the GOE to present their budget request.

## **Policy Implications and Conclusion**

What are the implications of this analytical model on U.S. law enforcement and military assistance programs in Latin America?

U.S. counterdrug assistance programs should promote institution building for unity of effort, including strengthening internal coordination mechanisms, clarifying jurisdiction for drug law enforcement and building support for administration of justice reform. The US military could provide considerable technical assistance to support broader US objectives in Latin America. The U.S. needs to carefully balance assistance to both police and military services to avoid worsening inter-service rivalries. While U.S. policy acknowledges the primary importance of democratic institution building in Latin America, there is little recognition of the problems of police-military coordination. The primary objective of U.S. policy in the region should be long term development of Latin American national capabilities to strengthen judicial and law enforcement capabilities and build respect for the rule of law. This long term objective might require some sacrifice of short run goals, such as using military power to attack law enforcement “targets” in order to increase drug interdiction numbers which would, in the long run, undermine respect for the capability of the judicial system and the police to handle the job themselves.

### **Implications for U.S. Assistance to Military Services**

The U.S. government should resist the tendency of agencies to work with favorite “clients” or counterparts. For example, the tendency of Embassy Military Assistance Groups (Milgroups) is to focus on counterpart military services, DEA to work almost exclusively with

investigative drug police, and NAS/Customs to work with police drug interdiction units at the sea and airports. Instead, the Embassy country team should concentrate its efforts on team-building and interagency coordination among their counterparts. One consequence of the “clientitis” tendencies that builds up in U.S. assistance programs is that foreign military and law enforcement agencies frequently attempt to “agency shop” looking for sponsors within the U.S. Embassy.

The U.S. should leverage its assistance programs to influence Latin American military services to provide logistical, intelligence and other support to law enforcement agencies while maintaining a clear distinction between police and military roles and missions. However, given the profound conflicts in police-military relations in Latin America outlined in this paper, such changes will take years to accomplish. Only the Latin Americans themselves can reformulate their own national security doctrines.

U.S. assistance programs should utilize the strengths and capabilities of the US military in a broader effort, supporting civilian law enforcement agencies as well as judicial systems. This would argue for an even greater role for the US military, but one that moves away from an exclusive focus on drug suppression to that which would assist the overall long-term objective of strengthening the administration of justice. Recent actions by Southcom to establish legal assistance programs to Latin American military services support this objective.<sup>1</sup>

Intelligence coordination centers (police and military combined) are noticeably lacking in most Latin American countries. While joint intelligence coordination centers (JICCS) have been established with US assistance in some countries in the region (notably Panama and the Dominican Republic), much more effort will be required to influence Latin American military

services to share drug intelligence with police in major source and transit countries where such cooperation to date has been limited or non-existent.

### **Implications for Assistance to the Police**

U.S. assistance to Latin America's police agencies should also go beyond technical training in investigative methods towards a much broader concept of institution-building, including:

- Development of strong internal affairs units within police forces to investigate corrupt activities;

- Strengthening of police-community relations through crime prevention programs.

- Development of citizen oversight committees in coordination with Ombudsmen (Defensorias del Pueblo), non-governmental organizations and the Public Ministry (Fiscalia).

- Promotion of investment in improved education, training and pay for police;

- Assistance to Latin American countries already involved in judicial reform to tighten evidence requirements to exclude illegally obtained evidence and impose constraints on the admissibility of forced confessions. In addition, urge countries to change criminal procedural codes to authorize judges, not *fiscales*, to issue arrest warrants, thereby balancing the prosecutorial powers.

- Assistance to the modernization of judicial processes to speed up case management.

- Strengthening of police laboratories and forensic capabilities to investigate crimes.

- Influencing Latin American governments to reduce interagency conflicts by consolidating police forces where possible, conducting joint training programs with judges, police and prosecutors, and clearly demarcating jurisdiction between police and military services.

-- Promotion of investment in judicial infrastructure and strengthen judicial training schools, working with local bar associations and law schools.

## **Conclusion**

The study of police-military relations in Latin America is a wide-open field for additional research, particularly theoretical models and rigorous studies of the different organizational cultures that complicate police-military coordination. The vital importance of this topic is clear: U.S. policy makers need to take into account interagency rivalries and use foreign assistance programs as leverage to strengthen police-military coordination and clarify roles and missions to reduce jurisdictional disputes. The ongoing reform efforts to change the region's inquisitorial criminal justice systems to accusatorial style procedures will likely take a generation or more to occur, due to the need to train new generations of legal professionals in the new system. Like most paradigm shifts, radical changes are usually opposed by those in power who favor the status quo. Modernization of the police in Latin America is vitally necessary for them to assume their rightful place in the new justice systems and eventually win respect and cooperation from military services.

---

<sup>1</sup> Jeffrey Addicott and Guy Roberts, "Building Democracies with Southern Command's Legal Engagement Strategy", *Parameters*, Vol. 31, No. 1 (Spring 2001), pp. 72-84. See also Enrique Arroyo, "The COJIMA Story", *Air Force Law Review* Vol. 52 (2002), pp. 169-185.

## **BIBLIOGRAPHY**

### Books

- Arnson, Cynthia, ed. *The Crisis of Democratic Governance in the Andes* (Washington, D.C.: Woodrow Wilson International Center, 2001).
- Arrieta, Carlos, et al. *Narcotrafico en Colombia: Dimensiones Politicas, Economicas, Juridicas e Internacionales* (Bogota: Tercero Mundo Editores, 1991).
- Bagley, Bruce. "Myths of Militarization: Enlisting Armed Forces in the War on Drugs", in *Drug Policy in the Americas*, Peter Smith, ed. (Boulder CO: Westview Press, 1992), pp. 129-150.
- Buscaglia, Edgardo, Dakolias, Maria and Ratliff, William. *Judicial Reform in Latin America: A Framework for National Development*, Essays in Public Policy No. 65. (Palo Alto, CA: Stanford University Hoover Institution, 1995).
- Call, Charles, Garst, Rachel and Neild, Rachel, *Demilitarizing Public Order: The International Community, Police Reform and Human Rights in Central America and Haiti* (Washington, D.C.: Washington Office on Latin America, 1995).
- Chevigny, Paul. *The Edge of the Knife: Police Violence in the Americas* (New York: New Press, 1995).
- Clawson, Patrick and Lee, Rensselaer. *The Andean Cocaine Industry* (New York: St. Martin's Griffin Press, 1996).
- Corbett, Charles. *The Latin American Military as a Sociopolitical Force* (Miami: University of Miami Press, 1972).
- Crandall, Russell. *Driven by Drugs: U.S. Policy Towards Colombia* (Boulder, CO: Lynne Rienner Publishers, 2002).
- Dominguez, Jorge. *International Security and Democracy: Latin America and the Caribbean in the Post-Cold War Era* (Pittsburgh, PA: University of Pittsburgh Press, 1998).
- English, Adrian. *Armed Forces of Latin America*. (London: Jane's Publishers, 1984)
- Enloe, Cynthia. *Police, Military and Ethnicity: Foundations of State Power* (New Brunswick, NJ: Transactions Books, 1980).
- Farcau, Bruce. *The Transition to Democracy in Latin America: The Role of the Military* (Westport, CT: Praeger, 1996).
- Fitch, John Samuel. *The Armed Forces and Democracy in Latin America* (Baltimore: Johns Hopkins University Press, 1998).
- Goodman, Louis and Mendelson, Johanna. "The Threat of New Missions: Latin American Militaries and the Drug War", in *The Military and Democracy, The Future of Civil-Military Relations in Latin America* (Lexington, MA: Lexington Books, 1990).
- Hammergren, Linn. *The Politics of Justice and Justice Reform in Latin America* (Boulder CO: Westview Press, 1998).

- Huggins, Martha, ed. *Vigilantism and the State in Modern Latin America* (New York: Praeger Publishers, 1991).
- Huggins, Martha. *Political Policing: The United States and Latin America* (Durham NC: Duke University Press, 1998).
- Human Rights Watch. *Colombia's Killer Networks: The Military-Paramilitary Partnership and the United States* (New York: Human Rights Watch, 1996).
- Jarquín, Edmundo and Carrillo, Fernando, eds. *Justice Delayed: Judicial Reform in Latin America* (Washington D.C.: Inter-American Development Bank, 1998).
- Kritzer, Herbert. *Legal Systems of the World: A Political, Social and Cultural Encyclopedia*. (Santa Barbara CA: ABC-CLIO Publishers, 2002).
- Lawyers Committee for Human Rights. *Halfway to Reform: The World Bank and the Venezuelan Justice System* (New York, 1996).
- Loveman, Brian. *For la Patria: Politics and the Armed Forces in Latin America* (Wilmington, DE: Scholarly Resources, 1999).
- Mares, David. *Violent Peace* (New York: Columbia University Press, 2001).
- Mendez, Juan, O'Donnell, Guillermo and Pinheiro, Paulo Sergio. *The (Un)Rule of Law and the Underprivileged in Latin America* (Notre Dame, IN: University of Notre Dame Press, 1999).
- Millett, Richard and Gold-Bliss, Michael. *Beyond Praetorianism: The Latin American Military in Transition*. (Miami FL: University of Miami North-South Center, 1996).
- Molina, Mario Villalobos. *Cronologia Historica de la Policia Ecuatoriana* (Quito: Editoria Offset, 1985).
- Nadelmann, Ethan A. *Cops Across Borders: The Internationalization of US Criminal Law Enforcement* (University Park, PA: The Penn State University Press, 1993).
- Nield, Rachel. "Confronting a Culture of Impunity: The Promise and Pitfalls of Civilian Review of Police in Latin America" in Andrew Goldsmith and Colleen Lewis, eds. *Civilian Oversight of Policing: Governance, Democracy and Human Rights*. (Portland OR: Hart Publishing, 2000).
- Pion-Berlin, David, ed. *Civil-Military Relations in Latin America* (Chapel Hill, NC: University of North Carolina Press, 2001).
- Pozo, Edison Garces. *Policia y Poder de Policia* (Quito: Policia Nacional de Ecuador, 1995).
- Prillaman, William. *The Judiciary and Democratic Decay in Latin America: Declining Confidence in the Rule of Law* (Westport, CT: Praeger, 2000).
- Rodriguez, Linda Alexander. *Rank and Privilege: The Military and Society in Latin America* (Wilmington, DE: Scholarly Resources, 1994).
- Rowat, Malcolm et al, eds. *Judicial Reform in Latin America and the Caribbean* (World Bank Technical Paper No. 280, 1995.)
- Salas, Luis and Jose Maria Rico. *Administration of Justice in Latin America* (Miami, FL: International University Press, 1993).
- Thoumi, Francisco. *Political Economy and Illegal Drugs in Colombia* (Boulder, CO: Lynne Rienner Publishers, 1995).
- Tokatlian, Juan and Bagley, Bruce, eds. *Economica y Politica del Narcotrafico* (Bogota:Universidad de los Andes, 1990)
- Ungar, Mark. *Elusive Reform: Democracy and the Rule of Law in Latin America* (Boulder, Colorado: Lynne Rienner Publishers, 2002).

Zagorski, Paul W. *Democracy vs National Security: Civil-Military Relations in Latin America*. (Boulder, CO: Lynne Rienner Publishers, 1992).

## Government and Military Studies

Joint Counterdrug Operations, Joint Pub. 3-07.4, 17 February 1998.

Deare, Craig. "Mexico's Search for a New Military Identity", *Joint Force Quarterly*, Autumn 2000, 70-74.

Martin, Kenneth. "Fiscal Year 2002 Security Assistance Funding Allocations" *DISAM Journal*, Vol. 24, No. 3 (Spring 2002).

Nagle, Luz Estella. "The Search for Accountability and Transparency in Plan Colombia: Reforming Judicial Institutions – Again", U.S. Army Strategic Studies Institute, May 2001.

Nunez, Joseph. "Fighting the Hobbesian Trinity in Colombia: A New Strategy for Peace", U.S. Army Strategic Studies Institute., April 2001.

Schulz, Donald, ed. "The Role of the Armed Forces in the Americas: Civil-Military Relations for the 21<sup>st</sup> Century", U.S. Army Strategic Studies Institute, April 1998.

"The Andean Drug Strategy and the Role of the U.S. Military" Report of the Defense Policy Panel and Investigations Subcommittee of the Committee on Armed Services, U.S. House of Representatives, January 1990.

U.S. Department of Defense, Defense Security Assistance Agency, Fiscal Year Series, Financial Policy Division, Comptroller, DSAA.

U.S. Department of State, Congressional Budget Justifications, Foreign Operations, Fiscal Year 2003.

U.S. General Accounting Office, "Foreign Assistance: U.S. Rule of Law Assistance to Five Latin American Countries", (GAO/NSIAD-99-195), August 1999.

U.S. General Accounting Office, "Drug Control: Long-Standing Problems Hinder U.S. International Efforts" (GAO/NSIAD-97-75), February 1997.

U.S. General Accounting Office, "Drug Control: U.S. Efforts in Latin America and the Caribbean", Letter to Senator Charles E. Grassley, February 18, 2000.

U.S. General Accounting Office, "Drug Control: U.S. Counternarcotics Efforts in Colombia Face Continuing Challenges", (GAO/NSIAD-08-60), February 1998.

U.S. Library of Congress, Federal Research Division, Area Handbook Series:

*Bolivia: A Country Study* (1991)

*Colombia: A Country Study* (1990)

*Ecuador: A Country Study* (1991)

*Peru: A Country Study* (1993)

*Venezuela: A Country Study* (1993)

## Magazines and Journals

Addicott, Jeffrey and Roberts, Guy. "Building Democracies with Southern Command's Legal Engagement Strategy", *Parameters*, Vol. 31, No. 1 (Spring 2001), 72-84.

- Alvarez, Jose. "Promoting the "Rule of Law" in Latin America: Problems and Prospects", *George Washington University Journal of International Law and Economics*, Vol. 25, (1991), 281-331.
- Arroyo, Enrique. "The COJIMA Story", *Air Force Law Review*, Vol. 52, (2002) 169-185.
- Bayley, David. "Law Enforcement and the Rule of Law: Is There a Tradeoff?" *Criminology and Public Policy*, Vol. 2, No. 1, (November 2002), 133-154.
- Beato, Claudio. "Crime and Social Policies in Latin America: Problem and Solutions", *Woodrow Wilson Center Update on the Americas*, No. 7, (August 2002).
- Bibes, Patricia. "Colombia: The Military and the Narco-Conflict", *Low-Intensity Conflict and Law Enforcement*, Vol. 9, No. 1 (Spring 2000), 32-48.
- Buscaglia, Edgardo and Thomas Ulen. "A Quantitative Assessment of the Efficiency of the Judicial Sector in Latin America", *International Review of Law and Economics*, Vol. 17 (1997) , 275-291.
- Buscaglia, Edgardo. "Judicial Reform in Latin America: The Obstacles Ahead", *Journal of Latin American Affairs*, Vol. 4 (Fall/Winter 1995), 8-13.
- Buchanan, Paul. "US Defense Policy for the Western Hemisphere: New Wine in Old Bottles, Old Wine in New Bottles, or Something Completely Different?" *Journal of Interamerican Studies and World Affairs*, Vol. 38, No.1 (Spring 1996) 1-31.
- Call, Charles. "War Transitions and the New Civilian Security in Latin America", *Comparative Politics*, Vol. 35, No.1 (October 2002), 1-20.
- Carothers, Thomas. "The Rule of Law Revival", *Foreign Affairs*, Vol. 77, No. 2 (Spring 1998), 95-106.
- Ciurlizza, Javier. "Judicial Reform and International Legal Technical Assistance in Latin America", *Democratization*, Vol. 7, No. 2, (Summer 2000), 211-230.
- Cooper, Mark. "Plan Colombia: Wrong Issue, Wrong Enemy, Wrong Country", *The Nation*, Vol. 272, No. 11 (March 19, 2001), 11-18.
- Crandall, Russell. "Explicit Narcotization: U.S. Policy Toward Colombia During the Samper Administration," *Latin American Politics and Society*, Vol. 43, No. 3, (Fall 2001), 95-120.
- Dakolias, Maria. "A Strategy of Judicial Reform: The Experience in Latin America", *Virginia Journal of International Law*, Vol. 36, (Fall 1995), 167- 231.
- Demarest, Geoffrey. "The Overlap of Military and Police Responsibilities in Latin America", *Low Intensity Conflict and Law Enforcement*, Vol. 4, No. 2 (Autumn 1995) 237-253.
- Dix, Robert. "Military Coups and Military Rule in Latin America", *Armed Forces and Society*, Vol. 20, No. 3, (Spring 1994), 439-456.
- Fitch, John Samuel. "The Political Impact of U.S. Military Aid to Latin America: Institutional and Individual Effects", *Armed Forces and Society*, Vol. 5, No. 3, (Spring 1979), 360-386.
- Fossum, Emil. "Factors Influencing the Occurrence of Military Coups d'Etat in Latin America" *Journal of Peace Research*, Vol. 4, (1967) 228-251.
- Grindle, Merilee. "Civil-Military Relations and Budgetary Politics in Latin America", *Armed Forces and Society*, Vol. 13, No. 2, (Winter 1987), 255-275.
- Hagen, Jason. "New Colombian President Promises More War", *NACLA Report on the Americas*, Vol. 36, No. 1, (July/August 2002), 29.
- Hertling, Mark. "Narcoterrorism: The New Unconventional War", *Military Review*, Vol. 70, No. 3, (March 1990), 16-28.
- Heun, Cristopher. "Global Cop Urges Limited Military Role in Drug War", *National Defense*, (March 1997), 30-31.

- Kebschull, Harvey. "Operation 'Just Missed': Lessons from Failed Coup Attempts", *Armed Forces and Society*, Vol. 20, No. 4, (Summer 1994), 565-579.
- Kitfield, James. "Giving War a Chance" *National Journal*, Vol. 34, No. 22, (June 1, 2002) 1634-1635.
- Kruijt, Dirk. "Politicians in Uniform: Dilemmas about the Latin American Military", *European Review of Latin American and Caribbean Studies*, Vol. 61, (December 1996), 7-19.
- Mabry, Donald.. "Andean Drug Trafficking and the Military Option", *Military Review*, Vol. 70, No. 3, (March 1990), 29-40.
- Mabry, Donald. "The US Military and the War on Drugs in Latin America", *Journal of Interamerican Studies and World Affairs*, Vol. 30, Nos. 2 & 3, (Fall 1988), 53-76.
- Malamud Goti, Jaime. "Los Militares y La Guerra contra las Drogas", *Nueva Sociedad*, No. 130, (March/April 1994) 168-183.
- Marcella, Gabriel. "Warriors in Peacetime: Future Missions of the Latin American Armed Forces", *Small Wars and Insurgencies*, Vol. 4, No. 3, (Winter 1993), 1-33.
- Marcella, Gabriel. "The Latin American Military, Low Intensity Conflict, and Democracy", *Journal of Interamerican Studies and World Affairs*, Vol. 32, No. 1, (Spring 1990), pp. 45-82.
- Messick, Richard. "Judicial Reform and Economic Development: A Survey of the Issues", *World Bank Research Observer*, Vol. 14, No. 1, (February 1999), 117-136.
- Meyer, Dan. "The Myth of Narcoterrorism in Latin America", *Military Review*, Vol. 70, No. 3, (March 1990), 64-70.
- McSherry, J. Patrice. "Military Political Power and Guardian Structures in Latin America", *Journal of Third World Studies*, Vol. 12, No. 1, (Spring, 1995), 80-119.
- Miller, Abraham and Damask, Nicholas. "The Dual Myths of 'Narco-terrorism': How Myths Drive Policy", *Terrorism and Political Violence*, Vol. 8, No. 1 (Spring 1996) 114-131.
- Millett, Richard. "The United States and Latin America's Armed Forces: A Troubled Relationship", *Journal of Interamerican Studies and World Affairs*, Vol.39, No. 1 (Spring 1997), 121-136.
- Needler, Martin. "Military Motivations in the Seizure of Power", *Latin American Research Review*, Vol. 10, No. 3 (Fall 1975), 63-79.
- Needler, Martin. "The Logic of Conspiracy: The Latin American Military Coup as a Problem in the Social Sciences", *Studies in Comparative International Development*, Vol. 13, No. 3 (Fall 1978), 28-40.
- Norden, Deborah. "The Rise of the Lieutenant Colonels: Rebellion in Argentina and Venezuela", *Latin American Perspectives*, Vol. 23, No. 3, (Summer 1996), 74-86.
- Otis, John. "Law and Order", *Latin Trade*, June 1997, 48-53.
- Pahl, Michael. "Wanted: Criminal Justice – Colombia's Adoption of a Prosecutorial System of Criminal Procedure", *Fordham International Law Journal*, Vol. 16, (1993).
- Philip, George. "Venezuelan Democracy and the Coup Attempt of February 1992," *Government and Opposition*, Vol. 27, No. 4, (Autumn 1992), 455-469.
- Rapoport, David. "The Political Dimensions of Military Usurpation," *Political Science Quarterly*, Vol. 83, (1968), 551-572.
- Reif, Linda. "Seizing Control: Latin American Military Motives, Capabilities and Risks", *Armed Forces and Society*, Vol 10, No. 4, (Summer 1984), 563-582.
- Richani, Nazih. "The Political Economy of Violence: The War System In Colombia", *Journal of Interamerican Studies and World Affairs*", Vol. 39, No. 2 (Summer 1997) 37-81.

- Saez Garcia, Felipe. "The Nature of Judicial Reform in Latin America and Some Strategic Considerations" *American University International Law Review*, Vol. 13, (1998), 1267-1287.
- Sanchez, Peter. "The Drug War: The U.S. Military and National Security", *Air Force Law Review*, Vol. 34, (1991), 109-152.
- Schultz, Donald. "The Growing Threat to Democracy in Latin America", *Parameters*, Vol. 31, No. 1, (Spring 2001), 59-71.
- Serrano, Monica. "The Armed Branch of the State: Civil-Military Relations in Mexico", *Journal of Latin American Studies*, Vol. 27, No. 2, (May 1995), 423-448.
- Sharpe, Kenneth. "The Military, the Drug War and Democracy in Latin America: What Would Clausewitz Tell Us?" *Small Wars and Insurgencies*, Vol. 4, No. 3, (Winter 1993), 56-86.
- Stone, Christopher and Heather Ward. "Democratic Policing: A Framework for Action", *Policing and Society*, Vol. 10, No. 1, (Spring 2000), 11-35.
- Tate, Winifred. "Into the Andean Quagmire: Bush II Keeps Up March to Militarization", *NACLA Report on the Americas*, Vol. 35, No. 3, (November/December 2001).
- Thompson, William R. "Organizational Cohesion and Military Coup Outcomes", *Comparative Political Studies*, Vol. 9, No. 3, (October 1976) 255-276.
- Walker, William. "A Reprise for National Building: Low Intensity Conflict Spreads in the Andes", *NACLA Report on the Americas*, (July/August 2001), 23-28.
- Ward, Heather. "Police Reform in Latin America: Observations and Recommendations", *Woodrow Wilson Center Update on the Americas*, No. 5, (July 2002).
- Wardlaw, Grant. "Linkages Between Illegal Drugs Traffic and Terrorism", *Conflict Quarterly*, Vol. 8, No. 3 (Summer 1988), 5-26.
- Yepez, Fausto. "El Santuario del Trafico de Armas", *Vistazo*, September 15, 2000, pp. 34-36.
- Zimmermann, Ekkart. "Towards a Casual Model of Military Coups", *Armed Forces and Society*, Vol. 5, No. 3 (Spring 1979), 387-413.
- Zirnite, Peter. "The Militarization of the Drug War in Latin America", *Current History*, Vol. 97, No.618 (April 1998), 166-173.
- "Armando al Enemigo", *Vistazo*, July 20, 2000, pp. 74-76.
- "Judicial Reform", *IDB America Special Report*, November-December 1999, Inter-American Development Bank., 9-20.
- "Colombia's Conflicts: State of Commotion" *The Economist*, August 17, 2002, 31.
- "Colombia's Conflicts: A Call to Arms", *The Economist*, March 2, 2002. 36-37.
- "Colombia's Conflicts: More Order and Less Law", *The Economist*, November 9, 2002, 37-38.
- "The Latinobarometro Poll: Democracy Clings On in a Cold Economic Climate", *The Economist*, August 17, 2002, 29-30.
- "Border Disputes: The Costs of Petty Nationalism", *The Economist*, August 19, 2000, 32.
- "Yours Discontentedly, Latin America", *The Economist*, May 13, 2000, 34.
- "Colombia's Drugs War: Policy, Which Policy?", *The Economist*, February 20, 1999, 34.
- "Bolivia: Clashes to Come", *The Economist*, February 20, 1999, 34-35.
- "Latin American Arms: Toys for the Chicos?" *The Economist*, October 5, 1996, 43.
- "Trouble for Plan Colombia, The Drug War", *The Economist*, August 4, 2001, 33.
- "The Weedkiller War, Drugs in Colombia", *The Economist*, September 7, 2002, 59.
- "Alvaro Uribe's Expected Escalation of the War Has Got Under Way on Two Fronts", *Latin American Weekly Report*, 10 September 2002.
- "Para-noia", *Cambio*, Vol.16, No. 226, October 13, 1997.

## Newspaper Articles

- Allen, Michael. "Has the Time Passed for U.S. Drug Sanctions? In Colombia, Top Cop Wins GOP Sympathy", *Wall Street Journal*, February 24, 1998, A14.
- Golden, Tim. "U.S. Helps Mexico's Army Take a Big Anti-Drug Role", *New York Times*, December 29, 1997, A1.
- Golden, Tim. "Elite Mexican Drug Officers Said Tied to Traffickers", *New York Times*, September 16, 1998, A1.
- Marquis, Christopher. "New Drug Plan Shifts Focus in Latin America", *New York Times*, May 17, 2001, A12.
- Marquis, Christopher. "U.S. Tells Colombia to Improve Rights Record Before It Gets Aid", *New York Times*, December 20, 2001, A19.
- Marquis, Christopher. "The U.S. Struggle to Battle Drugs, Just Drugs, In Colombia", *New York Times*, May 26, 2002.
- Myers, Steven Lee. "The Latin Arms Explosion That Fizzled", *New York Times*, December 3, 1998.
- Myers, Steven Lee. "U.S. Pledges Military Cooperation to Colombia in Drug War", *New York Times*, November 30, 1998.
- Oppenheimer, Andres. "Latin America Has Glut of Generals with Too Little Work", *Miami Herald*, 10 February 2002.
- Pyle, Christopher. "Soldiers Aren't Cops", *New York Times*, 28 June 1981, A28.
- Schemo, Diana Jean. "U.S. Plans Wider Drug Fight in Colombia", *New York Times*, 1 April 1998, A11.
- Schemo, Diana Jean. "Congress Steps Up Aid for Colombia to Combat Drugs", *New York Times*, 1 December 1998, A1.

## Unpublished Papers

- Bayley, David. "What's in a Uniform? A Comparative View of Police-Military Relations in Latin America" (paper presented for the conference on Police and Civil-Military Relations in Latin America, Washington DC, October 1993, sponsored by the Latin American and Caribbean Center, Florida International University.)
- Cassman, Joel, "U.S. Counternarcotics Polices and Law Enforcement-Military Relations in the Latin American Drug War: Rivalry or Cooperation?" (paper presented at the Annual Meetings of the International Studies Association, Minneapolis, Minnesota, March 1998).
- Goldsmith, Andrew. "The Police Reform Process in Colombia" (paper presented at the conference of the International Association for the Civilian Oversight of Law Enforcement, McClean, Virginia, September 1996.)
- Keith, Barry, "The Role of Police Forces/Criminal Justice Systems in Latin American Development and Democratization" (MA degree thesis, Troy State University, 1992).
- Lindquist, John Abner, "Philosophy and Practice of Policing in Five Republics of Latin America" (PhD dissertation, University of California, Berkeley, 1971).

## Internet Sources

- Florida International University, Center for the Administration of Justice has an excellent website with links to many additional sources. Also has archived copies of all of the national constitutions and criminal justice codes of Latin American countries. Internet. Available online at: <http://www.fiu.edu/~caj/>
- Inter-American Development Bank. Information on the Bank's Latin American judicial reform projects is located online at <http://www.iadb.org/>
- U.S. Department of Defense, Defense Security Cooperation Agency, statistics and information on U.S. security assistance programs. Internet. Available online at <http://www.dsca.mil>
- U.S. Department of Justice. Information on the ICITAP and OPDAT administration of justice programs. Internet. Available online at <http://www.usdoj.gov>
- ICITAP's homepage is located within the DOJ website and may be found at <http://www.usdoj.gov/criminal/icitap/>
- U.S. Department of State. Copies of the State Department's annual *International Narcotics Control Strategy Report* (INCSR) are available in the section on the Bureau of International Narcotics and Law Enforcement. This publication contains statistics and information on U.S. counternarcotics and law enforcement assistance programs overseas. Internet. Online at <http://state.gov>
- U.S. General Accounting Office. Copies of GAO reports on U.S./Latin American drug control and administration of justice programs are available online at <http://www.gao.gov>
- U.S. Institute of Peace Library. Documents on Plan Colombia are available at: [http://www.usip.org/library/pa/colombia/adddoc/plan\\_colombia\\_101999.html](http://www.usip.org/library/pa/colombia/adddoc/plan_colombia_101999.html)
- World Bank. Information on Latin American judicial reform projects are available online at: <http://www4.worldbank.org/legal/leglr>
- The Woodrow Wilson International Center for Scholars Latin American Program sponsors projects in citizen security and comparative peace processes. Papers and information on these programs are online at <http://www.wilsoncenter.org>